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LETTERS
TO THE
MOST NOBLE THE MARQUESS OF LANSDOWNE,
AND
THE RIGHT HON. THE EARL OF CARLISLE,
ON PRISON DISCIPLINE,

&c. &c.

v. S.H. 1828.

LETTERS

TO THE

MOST NOBLE THE MARQUIS OF LANSDOWNE,

AND

THE RIGHT HON. THE EARL OF CARLISLE,

ON THE

INTRODUCTION OF THE MILITARY

INTO THE

KING'S BENCH:

**WITH OTHER PAPERS ON PRISON DISCIPLINE,
AND VARIOUS SUBJECTS.**

BY MARTIN STAPYLTON, Esq.



LONDON:
J. HATCHARD AND SON, PICCADILLY.

1828.

549.

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CORRESPONDENCE
REGARDING
THE ENTRANCE OF THE MILITARY
Into the King's Bench,
ON THE 16th OF JULY, 1827.

CORRESPONDENCE

REGARDING

THE ENTRANCE OF THE MILITARY

Into the King's Bench,

ON THE 16th OF JULY, 1827.

*From a Prisoner in the King's Bench to the
Editor of the Morning Herald.*

SIR,

The accuracy of your report of the very remarkable transactions in the King's Bench Prison has led me to send the following observations on some most unfeeling and revoltingly inhuman remarks on the same subject in a Morning Paper of this day. If the humane feelings of that writer had been equal to his command of language, he certainly would not have taken so very erroneous a view of the subject.

In the first place, let it be noticed that this peculiar pastime has been frequently repeated in this place, and has never until now been interrupted; by what means then could the pre-

sent projectors foresee, that what was *innocent at one time* could be regarded as *criminal now?* Or, how could they imagine that so much guilt would attach to the same proceedings on the Monday, as had been witnessed by all the officers of the prison on the previous three days, without a single hint of disapproval? On the intervening Sunday every vestige of the affair was carefully removed—a mark of respect to the day which would be well worthy of imitation in real elections.

After inveighing most absurdly and bitterly against “Mock Elections,” that writer adds, “and the excesses attendant on such scenes”—what excesses? Pending the three days of the pastime no quarrel ensued, not a cross word nor a blow was exchanged, and *no instance of intoxication occurred among upwards of seven hundred persons*; indeed, it is pretty certain that a smaller quantity of malt-liquor was consumed, (spirits are excluded,) than is usual in an equal space of time; as many who unfortunately for themselves possess no mental resources consume a great part of each succeeding irksome day in habitual tippling; excited by these pageants they deserted the tap-room, and engaged in these out-door recreations.

The readers of those observations are led to believe that enormous sums were levied and lavished in wrong of the creditors of those con-

fined; the sums (voluntarily) contributed were generally sixpences, and thence down to a penny. The total expenditure in “the purchase” of these “amusements,” (I quote his own misrepresentation,) in music, banners, placards, favours, refreshments, &c. amounted to less than fifty shillings, or about sixteen shillings per day! A sum truly worthy of such severe reprobation; and what greater “want of moral feeling,” (I use his *unfeeling* expressions,) was exhibited by these proceedings, more than by the daily-permitted and more expensive exercise of the racquet-ground? The reader must remember that very few can find profitable employment within these walls: if then no occupation to engage the mind is to be allowed, the inmates may as well be confined to their respective cells, and it would be a very short step to bring us to a return to the old system of handcuffs, manacles, fetters and strait-waistcoats.—How few minds are sufficiently firm to struggle against that derangement which would be induced merely by the ordeal requisite to pass through the Insolvent Court—two or three months of incessant mental irritation acting on minds already in a state of feverish debility and not permitted to employ any means of external excitement.

The persons who without any previous motion are during this sultry weather now suf-

fering the horribly severe punishment of the Strong Room, have no allowance of any kind; they are not permitted more than *one pint of beer each per day*; and it is only by the humane consideration of their fellow-inmates in sparing from their own subsistence a portion for their relief that they are preserved from actual starvation.

C. T.

Herbert's Coffee-house, K. B. P.

July 19.

*Letter from Mr. Stapylton to C. T.
King's Bench.*

SIR,

FROM the infringement of the Constitution, as it appears by the public papers, in the introduction of the military into the King's Bench Prison without sufficient necessity, I am induced to give credence to your statements in a morning paper; and, if the persons in the Strong Room are desirous of a writ of *Habeas Corpus* to bring them before a judge to have the matter of their confinement argued, I will be at the expense of such legal process.

As I know no persons confined, I inclose to your discretion five pounds for their temporary relief; and am,

SIR,

Your obedient servant,
MARTIN STAPYLTON.

Fladong's Hotel, Oxford Street, July 21, 1827.

The Answer.

Herbert's Hotel,
King's Bench Prison, July 21, 1827.

SIR,

I HAVE to acknowledge with heartfelt satisfaction the receipt of your liberal donation of five pounds for the purpose of relieving the temporary distress of the persons now in confinement in the Strong Room of the prison; I mean those persons who are confined for the *alleged* riot of last Monday. Rely on me that it shall be applied with economy; and should there remain any overplus it shall be returned or sent to any other object which you may specify.

Yours, &c.

C. T.*

To MARTIN STAPYLTON, Esq.
Magistrate of the North Riding of Yorkshire.

* Signed with the name at full length.

P. S.—I should hope that your interference in their behalf would procure their release without having recourse to any legal proceedings by writ of *Habeas Corpus*, or otherwise, as offered in your letter.

Letter to C. T. Esq.

Fladong's Hotel,
Oxford Street, Saturday Night, July 21, 1827.

SIR,

I APPLIED this day on quitting the prison to the Marshal, requesting that he would send the confined prisoners to the usual rooms, which he refused. I returned to the prison and viewed the Strong Rooms, and conversed with the five prisoners confined therein; and as soon as a requisite affidavit from me could be drawn up by my solicitors, I called at the house of Mr. Justice Bayley, who immediately admitted me to an interview; after which the case was also laid by my solicitors before the Attorney-general; and, should it be decided that a judge in chambers has no power to interfere, I shall solicit an interview with the Secretary of State.

I beg you will apprise all the prisoners, that a continuance of the most perfect order in the conduct of every individual confined in the King's Bench will not only be a presumptive proof of their innocence from the charge of riot, but greatly beneficial to their country, as an inducement for the present liberal and highly talented administration to notice with proper indignation the unconstitutional, because unnecessary, application for the military, who entered the King's Bench Prison on Monday last.

I am, SIR,

Your obedient humble servant,

MARTIN STAPYLTON.

To ——, Esq. a Prisoner in the Bench.

Affidavit of Mr. Stapylton, tendered to Mr. Justice Bayley on his application for a Habeas Corpus to bring the Prisoners from the Strong Room of the King's Bench.

MARTIN STAPYLTON of Myton Hall, in the county of York, but now at Fladong's Hotel, Oxford Street, in the county of Middlesex, Esquire, maketh oath and saith, that he this day attended at the King's Bench prison, and conversed with Jonas King Murphy, Henry Josiah Holt, and

David Newman confined in a Strong Room in that prison, and Robert Stanton and Robert Birch confined in another strong room in the same prison; And this deponent further saith, that from personal inquiry in the said prison he believes the continuance of their confinement to be a proper case for immediate investigation before one of the judges of his Majesty's court of King's Bench; and further this deponent saith, that he hath applied this day to the Marshal of the said prison for the return of the said five prisoners from the said Strong Rooms to their usual rooms in the said prison, but the said Marshal positively refused; and, therefore, at the desire of the said five prisoners, this deponent requests a writ of *habeas corpora* for the examination of the parties.

Case for the Opinion of the Attorney-General.

IN consequence of the late proceedings of a mock Election in the King's Bench prison, the Marshal has confined several of the prisoners in the Strong Room of the prison, (as they allege without any just cause,) and threatens to keep them there for some time. Mr. MARTIN STAPYLTON, one of the Yorkshire magistrates, has applied to Mr. Justice Bayley on the subject,

but his Lordship doubts his having any jurisdiction. His Lordship, however, stated his readiness to act if he could be convinced that he had an authority so to do.

Your Opinion is therefore requested, whether a *Judge at Chambers* can, by Habeas, summons, or otherwise, interfere to ascertain whether those prisoners are properly and legally confined in the Strong Room?

“ I think not.”

“ J. SCARLETT.”

New Street, July 21, 1827.

To the Marquess of Lansdowne.

Fladong's Hotel, July 24, 1827.

MY LORD,

IN the interview with which your Lordship honoured me yesterday, on my introduction to you by a letter from the Earl of Carlisle, you signified your intention to investigate on proper written documents the presumed or alleged case of oppression, tyranny, and incapacity which from motives of humanity to the prisoners now confined in the strong rooms of the King's Bench I ventured to lay before you.

The petitions are now in your office. In the most unqualified manner I express my opinion of the necessity, that his Majesty's government should immediately issue a commission of inquiry to examine on oath concerning the late proceedings and present conduct of the Marshal of the King's Bench, to determine whether he has or has not acted without capacity, oppressively, and tyrannically, and, consequently, whether he ought to be displaced or not from the situation of Marshal of the King's Bench. To give this opinion I am induced by the hitherto uncontradicted evidence of all the prisoners who accidentally or intentionally were in the public coffee-room of the King's Bench on Saturday and Monday last in my presence, and from other concurring testimonies I am justified in my belief, that there was no cause for the introduction of the military, that there was no riot, and that none of the prisoners, who are now confined in a room not fit for the imprisonment of felons, committed any offence deserving the punishment of the law, much less so severe an infliction as their being debarred from air and light for twenty-one out of the twenty-four hours, subject to so intolerable a stench as must occasionally arise from the communication into the room of certain vessels or tubs in the rooms with the main or correspondent sewer of the premises.

And in one of these rooms six persons, it is asserted, were confined for one night.

I have the honour to be,

With every possible respect,

Your Lordships obedient and faithful servant,

M. STAPYLTON.

I should be happy to wait on your Lordship whenever you appoint if you wish to converse with me, and I shall delay my departure from town till I receive your answer.

To the most Noble the MARQUESS OF LANSDOWNE,
His Majesty's Secretary of State for the Home Department, &c.

To William Jones, Esq. Marshal of the King's Bench, &c. &c. &c.

Fladong's Hotel,
Wednesday Afternoon, July 25, 1827.

SIR,

I CALLED at your house on Monday morning, as a private gentleman and a brother magistrate, to advise you to send the prisoners in the Strong Room to their usual rooms in the prison. You were not at home. I sent a mes-

sage to you of the same import, expressing that I had seen two of his Majesty's Ministers separately, but had no authority from either, merely acting as a private gentleman and brother magistrate in giving my advice.

I remained at the prison, or Strong Rooms, till late in the evening. The head turnkey said you were not come home, nor "did he know where you were," but promised to call upon me that night, late, at Fladong's Hotel, earnestly entreating me to defer the delivery of the Petition from the Strong Room, which was entrusted to me, as he was almost certain you would release the prisoners immediately on your return.

The turnkey never came; but about twelve o'clock the next day (yesterday), a circuitous message, through the prisoners themselves, was delivered to me, that you "*declined communicating with me yourself, or allowing the turnkey to communicate with me.*"

I am therefore *compelled* to address you through the public press for a specific request, and your friends will now probably advise you, as I would have privately advised, if I had seen you on Monday, to send these prisoners back to their rooms. As a writ of *habeas corpus* cannot be procured, and as the distinguished Statesman who conducts the Home Department must be surrounded with other affairs of the greatest national importance, and the written documents

of this were not in his office till yesterday, to obviate unavoidable delay, as far as that delay concerns one individual prisoner, I respectfully request an immediate specification of the offence for which David Newman, Esq., an officer of his Majesty's service has been for more than a week, and still is confined in the Strong Room of your prison; and let that offence be what it may, I tender my bail if you will restore him to the general prison, either on the guarantee of this letter, or on my recognizance for the sum of one hundred pounds, the amount of his debt. The condition of this letter, or of my recognizance to be—that he shall not engage in any riot, or break the peace to any of his Majesty's subjects for one year, if he should be so long in your prison.

I have not a moment's time to inquire into his connexions or habits of life, but I incur this trifling risk because he still bears the King's commission as an Officer of Militia, and because he appears to me to be thoroughly a gentleman in his manners, and because no British Officer with the manners of a gentleman when debarred the constitutional right of *habeas corpus* to know the grounds of his confinement, should be treated with a degrading severity, which, though I have had the custody of a prisoner as a Sheriff, and inspected many prisons as a Magistrate, I never

before saw exercised in such a degree to a prisoner of any description.

I have the honour to be, Sir,

Your obedient servant,

M. STAPYLTON.

To the Prisoners in the King's Bench.

GENTLEMEN,

I delivered your Petitions to the Most Noble the Marquess of Lansdowne Secretary of the Home Department; and I received last night a communication from Spring Rice Esq. M. P. Under-Secretary of State, that his Lordship had transmitted them to the Lord Chief Justice of the Court of King's Bench, (Lord Tenterden,) who, though he accidentally had not then received the transmission from the Marquess admitted me being known to him, received me with politeness, and heard me with patience a considerable time, oppressed as he is with business, on the eve of the Circuit.

According to my letter to Mr. Jones, in *The Chronicle* of this day, I tendered my recognizance for Mr. Newman, which was refused by

the Marshal, who alleged, as his offence, his being "too busy" at the Mock Election. The clerk said something about riots; but I reminded him that my question was directed to the Marshal only. I believe the Marshal then said, "riots also." The Marshal told me I must not enter the prison, but might see Mr. Newman, which I did. As a reason for my exclusion from the general prison, he said I had been "too busy." The gentleman, who accompanied me, I left in my carriage, confident that the same reputation which has opened to me the doors of so many persons in high station, will shield me from any important consequences, by misrepresentation of either my conduct or my expressions.

Now, Gentlemen, I told you on Saturday and Monday that when the affair was in a Court of Law I should leave you. But first, I thank Mr. Charles Taylor, and all who have assisted me by the candid and sensible answers to my inquiries, the result of which I communicated by letter to the Secretary of State; and the complaint is now under the protection of Lord Tenterden, by a stronger process than that of *Habeas Corpus*, the transmission from his Lordship to Lord Lansdowne.

If I have been instrumental in directing the attention of the great and the good to real or supposed encroachment and infliction, I shall be more than repaid by the entrustment of your

Petitions to deliver, and the reward of your silent approbation.

Imprisonment for debt is sometimes the result of guilt, frequently of extravagance, but it more frequently arises from the insidious credit of exorbitant tradesmen to plunder unsuspecting youth.

Many of you are destined to fill hereafter respectable, and some of you important stations in life; never forget that it was the British spirit of freedom and the unconquerable rights of humanity which empowered me, who did not know a single individual within your walls, to traverse your prison, and to penetrate your dungeons, not in disguise but in the bold avowal of my intentions. This I could not have done in Spain or in the Ottoman Empire, nor can it be done here if the military should supersede the law of the land. In distant countries some of you now young may in authority exalt the triumphs of the British Lion, but remember also the British Constitution—in every contest with unarmed persons, till the civil authority is over-powered disdain reliance on a military force.

Your complaint will be now legally scrutinized; and if the Marshal proves the necessity of military force, my suspicion is unjust.

Gentlemen, farewell,

M. STAPYLTON.

Thursday night, July 26.

To the Editor of the Morning Chronicle.

SIR,

I HAVE this day received a letter, dated last night, from the gentlemen confined in the Lower Strong Room of the King's Bench, of which the following is an extract:—

"To-day we have the first proof of what your ; the Surgeon, appointed by Government, has been to inspect our apartment, and has reported to the Marquess of Lansdowne the impropriety of the close confinement in the Strong Room; and that it is his opinion that no more than three persons should be in the Lower Strong Room at a time, and five in the Upper, and that the doors be allowed to remain open, and the inconvenience from the corner removed."

* * * * *

I am, Sir,

Your obedient servant,

M. STAPYLTON.

Fladong's, Sunday, July 29.

To Martin Stapylton, Esq. Fladong's Hotel.

SIR,

I hasten to inform you, the zealous friend of humanity, that Mr. Jones has this day restored me to the liberty of the King's Bench Prison.

My commitment I am willing to presume originated during moments of alarm and irritation.

I acknowledge offers of release were made to me provided I confessed sorrow for my conduct; whether such a proposal could be entertained it is not my purpose to inquire, however conscious I had been cruelly treated, I trust, were my days doomed to be wasted in filthy and solitary confinement, the trying extreme of despair should not have wrung from me an apology.

You Sir came forward unsolicited, and a stranger to the sufferers, an advocate above suspicion, in whose bosom no private resentment had influence, and without prospect of reward save the honourable record in heaven to vindicate the rights of the poor and shield the unfortunate. To the earnest thanks individually offered to you, doubtless is annexed the grateful benedictions of the public press.

The Collegians* collectively speak with enthusiasm of your kindness, which is deeply engraven

* By Collegians Mr. Newman means prisoners.

on every heart, each new comer listens to the detail, and unites his plaudits to your well-merited praise, satisfied, while your spirit survives, the future independence of the prisoners is secure.

I remain, Sir,

Your obliged and humble servant,

DAVID NEWMAN.

King's Bench, August 10.

I insert this letter to show the grateful feeling of the gentleman who overrated my services in the cause of humanity.

IN answer to my letter to the Marquess of Lansdowne, p. 9th, I received a letter on the following day from Mr. Spring Rice, the Under Secretary of State, expressing that the Secretary of State, "having no jurisdiction over the King's Bench Prison, his Lordship had transmitted the Petitions to the Lord Chief Justice of the Court of King's Bench."

As I felt much surprise that the Marshal was not controllable by the Secretary of State, I took the liberty of calling on Mr. Spring Rice, at the Secretary of State's office, and he assured me, that the opinion which he had sent me was formed by the Marquess after every due consideration.

It was now apparent to me, that there existed no intermediate authority betwixt the Marshal of the King's Bench and the King of England.

The Attorney-General in the foregoing opinion, (page 9,) had decided that a judge at chambers cannot, by habeas, summons, or otherwise, interfere to ascertain whether the prisoners are properly and legally confined in the Strong Room.

The case then appeared to me to be surrounded with extraordinary difficulties. The Attorney-General had coincided with Mr. Justice Bayley's opinion, that *a Judge* in chambers could not interfere. There would be no Court of the King's Bench sitting, proper for such cases to be brought forward in, till November; this was the month of July, and the judges on the very point of leaving town for the circuits, and, to add to my vexation, all the counsel, on whom I had the most reliance, were already on their journeys to the circuits.

Every one I named to my solicitors had left London. If *a Judge* in chambers could not interfere, could *the Judge* in chief—the Lord Chief Justice interfere?

This was a slender hope, and when I proposed calling on the Lord Chief Justice, my solicitor declined to accompany me, for fear his lordship should think it an impertinent intrusion on his retirement.

I, however, between eight and nine in the

evening, called alone at his lordship's house in Russell Square, and, being known to him, was admitted. He refused to act without affidavits from the prisoners themselves; and, in fact, I did not discover from my conversation with Lord Tenterden, that he had any more power than Mr. Justice Bayley.

If he granted a summons to bring the Marshal before him, as he left town the next day but one or the next day, and was engaged in the morning, there was little probability of having the merits of the case inquired into; and, I could not find out, that his lordship had a power to suspend the authority of the Marshal, or to interfere; all that Lord Tenterden admitted to me was, that the Marshal might, if he had done wrong, be punished.

This certainly he might, by indictment or criminal information, in November, or by impeachment when Parliament met; but, in the mean time, the prisoners in the Strong Room might, and if the present rigorous exclusion of them from air and exercise continued, would most undoubtedly perish.

As his lordship laid all the stress of his conversation on my not being prepared with affidavits from the prisoners, considering my affidavit of their sufferings as not sufficient for his granting a summons, I went the next morning to the King's Bench Prison, for the purpose of

procuring affidavits from those who had entrusted me with their Petition, and was, to my astonishment, refused admission to the Petitioners.

It is not my intention to make any remarks on the conduct of the Marshal to myself; but, on a subsequent day, I called in my carriage at the door of the Marshal, and, without leaving the carriage, sent in by my servant the following written request to be permitted to enter the prison.

(COPY.)

To the Marshal of the King's Bench.

MR. STAPYLTON requests of the Marshal of the King's Bench, that he may converse with Mr. Newman, confined in the Strong Room, without a turnkey being present.

Mr. Stapylton, having committed no error in conduct or expression to the Marshal, asserts, that the Marshal's exclusion of him, on Thursday last, from the general prison is improper; and, as the prisoners in the general prison entrusted to him a petition of complaint, which has been received by the Secretary of State, and transmitted on Wednesday last, by that high officer of his Majesty's government, to the Lord

Chief Justice, Mr. Stapylton demands that his exclusion from the general prison be recalled.

He reluctantly has recourse to the painful duty of this legal demand, as no other person of independence like himself, out of prison, before or since his exclusion on Thursday last, has hitherto stood forward to obtain a legal inquiry into the prisoners' real or supposed injuries, by the introduction of the military into the King's Bench on the 16th of this month.

Mr. Stapylton is at the door of the Marshal's house, and requires a written or verbal answer by the bearer.

Monday, July 30, 1827.

IN answer to this the Marshal persisted in his refusal to permit me to enter the general prison, but allowed me to see Mr. Newman in the Strong Room, but in the presence of a turnkey. I availed myself of this latter permission only to read this note demanding entrance, and declining any conversation in presence of the turnkey, requested Mr. Newman to correspond with me.

After correspondence, petitions, to the Treasury, &c. the result was successful, as related in the next letter to Lord Carlisle. I must here notice that Judge Bayley, with his usual huma-

nity, answered my letter to him on the very day of his arrival at York Assizes, after the fatigues of his journey.

He was the judge who had pronounced the sentence of the Court of King's Bench of a fine of one hundred pounds on the young officer for letting off fire-works in the City of Gloucester.

To the Right Hon. the Earl of Carlisle, &c.

58, Welbeck Street, Aug. 22, 1827.

MY LORD,

As some slight return for the honour of your Lordship's introduction of me to your noble colleague in the Administration, the Secretary of State, and to the late illustrious Premier, I hasten to convey to your Lordship the pleasing intelligence, that the young officer lately confined in the Strong Room of the King's Bench has experienced the benignity of the Lords of the Treasury, by the remission of the fine of 100*l.* inflicted on him for incautiously letting off fire-works in the City of Gloucester.

From the firmness and honour which he displayed in the extremity of suffering in the Strong Room I formed that favourable opinion of him which has been subsequently confirmed by testimonies from the colonel of his regiment and from other officers and magistrates of Glouce-

tershire, and his fine being thus graciously remitted, he yesterday entered into the requisite sureties for good conduct according to his sentence at the Police Office in Union Street, and is now happily restored to his family and friends.

The extraordinary deficiency of jurisdiction at present to control in a summary manner the power of the Marshal of the King's Bench slightly delayed, but could not destroy that condescending and discerning inquiry into circumstances of alleged oppression by which a ministry, constitutionally composed from the paternal love of our gracious Sovereign to his loyal people, has eminently distinguished itself; and when the period arrives for a judicial or a parliamentary investigation, I shall be ready to give my unbiassed testimony of those circumstances which have come to my knowledge, and particularly of my own exclusion from communication with several hundred prisoners, from whom I delivered a petition to the Secretary of State, transmitted by the Noble Marquess to the Lord Chief Justice, and to support which case Lord Tenterden had required from me those affidavits from prisoners, which the Marshal's exclusion of me from the prison prevents my obtaining.

Your Lordship is aware of a peculiar circumstance that might repress my asseverations, if the hope of personal elevation could compete, in my mind, with the performance of personal ser-

vice to my country. A private inquiry, concerning that hope, at this crisis, would ensure its success. But I prefer to tell an admiring nation, that their approbation of Mr. Canning's selection of his colleagues in office is confirmed by this, among other proofs, that amidst the complication of national concerns at this eventful crisis desolated by the death of the individual who in the esteem of his sovereign, and by the liberality of his mind in the union of councils was at the acme of human glory; the eye of power has yet found time to view with *patience*, and to redress with *mercy* the oppressions of the dungeon, that no prisoner is now confined for the Mock Election in the Strong Room of the Bench; and that, as soon as the Marquess of Lansdowne sent the government surgeon to inspect that dungeon, every article of unnecessary rigour did instantly cease, never, I trust, to return to any English prison, whether it be for the solitary safe custody of one, or the incarceration of six individuals, as at the time of the alleged riot.

It is true, my Lord, there yet remains a desire for redress to the prisoners at large for the unnecessary introduction of the military into the prison; and as this will I doubt not be the subject of parliamentary investigation, I beg humbly to suggest the propriety of a legislative enactment, that always, or during the absence of the judges on their circuits, the authority of the

Marshal of the King's Bench be subject in cases of emergency to the power of the Secretary of State for the Home Department, or to some other superior officer of his Majesty's government, in the same manner as the respectable governors of the county prisons are controllable by the high sheriffs.

I have the honour to be,

Your Lordship's faithful servant,

MARTIN STAPYLTON.

THE private circumstance of personal elevation alluded to in the fourth paragraph of the above letter, was the probability that if the illness which terminated the valuable life of Mr. Canning had been deferred for a few days, the title of the late Sir Martin Stapylton, Bart. would have been conferred, by his Majesty's generosity, on the author of this publication, whose hopes were well founded on his high introduction to Mr. Canning on the Friday preceding his last visit to the King, from his being nephew and heir to the last Baronet, and from his being lineally descended from Sir Miles Stapylton, one of the original Knights of the Garter, and from his being

also lineally descended from Beatrice, one of the legitimate daughters of Henry the Third, King of England.

When Mr. Canning conversed with his noble colleague in the administration, the next day to the Monday when he had the last interview with the King, he was "TOO ILL TO ALLUDE TO THE SUBJECT," which had been so introduced to his patronage on the Friday.

I am not personally acquainted with Lord Goderich, and therefore would not request him to interfere from his respect to the memory of the deceased premier, to fulfil his intentions towards me, if those intentions concerning me could be ascertained. In the baronets lately created, I am therefore not included.

But my disappointment is small compared to that sorrow in which the same calamitous event has involved the British nation, and extinguished the hopes of Europe, then resting on that liberality of statesmanlike policy which promised glorious effects to the splendour of the deceased minister's powerful abilities.

I did not ground my hopes on my political life though it has been a life of intended and sometimes SUCCESSFULLY intended USEFULNESS to my country. To such a man as Mr. Canning, the revival of my family title, which had been only ten years extinct, his attachment to the royal family would induce him to effect, when

he considered the applicant so not only *highly introduced* to him, but also, however otherwise unimportant, as the head of a family of the house of Plantagenet.

This brings me to relate a circumstance honourable to Mr. Canning; and it is from such small circumstances as that which I relate, that the most valuable qualities of the heart are brought to a development.

A medical (*not political*) friend, in the year 1819, procured from Mr. John Wright the Secretary to the Board of Control a cadetship for one of my sons now promoted in India. It came from Mr. Canning; and on the point of obtaining it I thought it honourable to request Mr. John Wright to inform Mr. Canning, that the cadetship was for a son of Martin Stappylton, whose letter to Lord Fitzwilliam on his dismissal strongly censuring his Majesty's ministers having been copied from "The Times," in which he had lately published it into every paper in England, had probably met the eye of Mr. Canning.

Mr. Canning sent me a message by Mr. Wright, that "it made no difference."

Grateful as I have ever felt, my only power of return has been my mite to his monument, and this humble record of his generous conduct.

I would rather be censured for my folly in relating this anecdote, if it be folly, than re-

strained from the effusion of heartfelt respect to his memory.

“ Noble Chief! a hero’s crown,
Let th’ Athenian Patriots claim,
You less fiercely won renown,
You assumed a milder name ;
They thro’ blood for glory strove,
You more blissful tidings bring ;
They to death a tyrant drove,
You to fame restored a king.”

The prince, who in the hey-day of youthful blood, amid the flatteries and the luxuries of his station, viewed with admiration and admitted to his closest intimacy the independent and immortal Fox, may be supposed to have been persuaded by the eloquence and integrity of a Canning, to restore to his councils in a liberal policy those distinguished men who had trod in the same path of disinterested service to their country, whom a majority of the people so ardently desired, and whom in perfect unison to the will of our beloved Sovereign, that majority will, I trust, most strenuously uphold.

In this letter to one of the ministers of the King, I have suggested the propriety of a legislative enactment to control the power of the Marshal in cases of emergency.

I shall here quote largely from the Report of the Prison Society of 1827, omitting such sen-

timents, as I do not coincide with—such as the exclusion of the prisoner's family from the prison. This indulgence I do not object to.

The King's Bench is under the immediate superintendence of the Marshal who is a patentee of the Crown, the average amount of whose income is stated in the Parliamentary Reports to be from £3,000 to £4,000 per annum. The salary of the Deputy Marshal appears also to be from £300 to £400 per annum, and that of the clerk of the papers from £600 to £700 per annum. These salaries, besides those of subordinate officers concerned in the management of the prison, who are appointed by the Marshal, are all derived from the pockets of the prisoners. A prisoner on his entrance must pay a fee before he can be allowed to inhabit a part only of a room. By the regulations in force the various rooms in the prison are disproportionately occupied—the prisoner who has money being permitted to purchase of another his right to a share in a chamber; and thus it is common to find one person occupying an entire room, while several persons—consisting of distinct families—men, women, and children—are crowded into a small apartment, where they pass the night as well as day. A prisoner, under mesne process, who makes oath that he is not worth £10, can claim daily an allowance of sixpence; and when in execution, this sum is paid to him by the credi-

tor. With this exception, there is no allowance whatever in the King's Bench prison for food, clothing, coals, or bedding. Until within the last few months there was no medical relief, a deprivation that was at times sensibly felt by the diseased and the dying. There is no internal inspection or discipline. The state of the interior is but little known to the Marshal or his officers; and a few years back—since which no essential alteration has taken place—the escape of a prisoner who left it on a Sunday was not discovered till the following Thursday, and then as it would appear, only by accident. As the apartments of the prisoners are not officially visited at stated times, their cleanliness depends entirely on the habits of their several occupants. There is a regular coffee-house and tap; wine and beer are sold without restriction, and the Marshal derives a profit by their sale. Men and women of the most profligate character are admitted into the prison at all times of the day; and no description can convey an adequate idea of the state of a place where it is difficult to say which is most prevalent misery or vice; where one part of the inhabitants are entirely destitute, and the other part utterly depraved.

Enough perhaps has been shown to prove the ruinous consequences in a moral point of view of this description of imprisonment. It is really extraordinary—this place of confinement having

been at different periods investigated by Parliamentary Committees, that the abuses pointed out in their reports should have been permitted to continue in full vigour to this day; for in scarcely a single instance have the recommendations of those committees been complied with. Official visits are made to this prison once a year by certain officers attached to the Court of King's Bench, but, as now conducted, this inspection amounts to little more than a mere matter of form. If the object of these visits be to investigate abuse they should be made at least quarterly and without previous notice; and the observations resulting from such examinations should record the condition of the gaol—the number of the prisoners, and other inhabitants, women and children—the state of cleanliness—the breach of its rules—and the neglect of its discipline. The mode by which the officer of this great prison is paid is open to strong objections. Remuneration from fees paid by the prisoners and from emoluments made at the expense of those who are entrusted to his charge, is the most objectionable manner in which the keeper of a gaol can be paid. His interests are thus constantly opposed to his duties, and his profits are made at the expense of those who are presumed pennyless, and whose property in fact belongs to their creditors. To allow the keeper to make a profit on the *consumption of wine and*

beer is to interest him in the encouragement of drunkenness, and his emoluments decrease in the same degree that sobriety prevails. There is a law which forbids the keepers of other prisons from being publicans ; and there is no reason why the Marshal of the King's Bench should be exempted from this wholesome restriction. In many other respects however this prison should be subjected to the rules enforced for the observance of debtors in county gaols ; and a law for the consolidation and amendment of the several Acts for the government of debtors' gaols would be a measure of incalculable utility. Such an Act should subject all debtors' prisons to uniformity of discipline, should abolish fees, should provide in every case for the necessary subsistence of the prisoner, and should lay down rules calculated in other respects to maintain order and enforce discipline. Why should a debtor committed to this prison enjoy greater privileges than the debtor who is committed to a county gaol ? There he would be subject to rules framed by the Magistracy, and sanctioned by the Judges of the land. There, the well-disposed would be at least protected by the preservation of their health and by attention to their morals ; and there the dissipated would not be permitted to squander the property of their creditors, and riot in licentious indulgence.

Constituted, however, as debtors' prisons now

are, they are so destructive to the morals, that a great public advantage would be obtained by narrowing as much as possible the number of persons sent there by alterations in the line of imprisonment, into which I shall not now enter.

Many writers on criminal and civil jurisprudence have adverted to the extraordinary powers, privileges, and occasional conduct of the person who governs the King's Bench prison; but no one of them till this discovery, accidentally arising from my interference to procure a writ of *Habeas Corpus*, was probably aware of that *lapsus legis*, if it may be so termed, by which it appears that there is no intermediate authority between the Marshal of the King's Bench and the King of England. Other gaolers are subject to the sheriffs, and subordinate to the magistrates of the county district.

The governor of York castle is a highly respectable person; yet if his authority was not subordinate to that of the high-sheriff, and if he was not under the salutary control of the magistrates in sessions, in what propriety could have been confided to him the custody of all the prisoners for trial at assizes in that large county, and which at once included a considerable population of Luddites.

In all the cities as well as counties the same control over the gaolers exists; why then should the Marshals of the King's Bench or Wardens

of the Fleet be despotic? But I shall continue to confine my observations to the King's Bench. I admit, that on his appointment a Marshal may be humane, intelligent, of exalted capacity, of most determined courage and of most inflexible integrity. But disclaiming any allusion to or knowledge of the present Marshal, of whom I mean to express nothing except that which I plainly apply to him, the integrity of a Marshal may yield to temptations or to distress, his spirit may be enfeebled by domestic and other anxieties, his capacity or intellectual powers may be weakened by age or by disease, his humanity may be deteriorated and his feelings steeled by constant collisions with the miseries of the objects in his custody, and above all his whole nature may be degraded by the well-known effect of unlimited power to destroy the noblest faculties of the mind and the most generous susceptibilities of the heart. Lord Tenterden says, "he may be punished if he has done wrong;" so might the kings or tyrants of antiquity expect the ultimate retribution to their own destruction; but the prospect of a criminal information or of a parliamentary impeachment would be but a poor restraint to curb the long-indulged appetites of a Marshal, if such there should arise, who could delight in the oppression plunder or close confinement of the objects of his tyranny.

Prisoners, when freed by the Insolvent Act,

or by the assistance of friends, or by the benignity of such an administration as that which now rules the state, cannot involve themselves in the troubles, and incur the enormous expenses of legal prosecutions ; and in the present times the members of Parliament are very slow to consider impeachments, by which they will incur little honour and doubtful success, as preferable employment for their occupation to those numerous personal altercations to resume place and power by which the last session of Parliament was distinguished.

In the vacation from August to November the Court of King's Bench is not in existence. It has been proved that a judge cannot interfere ! The Secretary of State has no jurisdiction !

The Secretary could and did send the government surgeon, but he could not and did not act to punish or to suspend on his report. He therefore transmitted the report and the prisoners' petitions to the Lord Chief Justice ; but I did not in conversation with that noble lord discover that he had any more power than a judge in chambers when the Court of King's Bench was not sitting.

Why then did the Marshal release Mr. Newman from the closeness of his imprisonment, where the door was to be opened only for three out of the twenty-four hours—*instantly release him ?* Because, if I may venture to conjecture a cause, either that the Marshal was sud-

denly more humane, or that he would not act in opposition to a surgeon's report, which, if Mr. Newman had perished, would have been an evidence that he had perished from the rigour of his confinement.

It is not my duty to supply the means of which the prisoners may stand in need to bring this case before the judges by indictment.

The incivility of the Marshal to me, in my interviews with him, excited no sensation in my mind except surprise, and a determination to guard myself from the slightest recrimination of incivility in my manner to him, or the slightest prejudice against him in my subsequent proceedings to rectify this anomaly of the law.

If I have made out a case that the Marshal should be, like other gaolers, subordinate in his authority to superior officers of the state, every member who assumes the privileges, enjoys the rank, and exercises the authority of a British legislator is bound in conscience to take this deficiency in law into his own individual consideration, until an act of the legislature relieves me from further interference, to enjoy the only reward I aspire to—the satisfaction of having been useful.

**REPORT
OF THE
DISCUSSION IN THE KING'S BENCH
ON THE
SUBJECT OF PUTTING UNTRIED PRISONERS
ON THE TREAD-MILL.**

SPECIALLY TAKEN BY MESSRS. RICHARDSON AND CHERER.

REASONS FOR THIS REPORT.

To prevent the possibility of a similar encroachment on the laws and constitution of my country, to that which existed for several Quarter Sessions in the North Riding of Yorksh re, and which this discussion led to remove, I thought it right to have a report of it tak n *verbatim*.

The newspapers would and did vary in their statements, and the account in the law report subsequently published for the lawyers themselves, did not sufficiently explain the spirit of the discussion in the Court of King's Bench. By giving the very words in a report specially taken for me by the short-hand writers, I avoid the possibility of misconstruction.

Jan. 2, 1828.

Westminster,
13th November, 1823.

In the King's Bench.

STAPYLTON

versus

**THE JUSTICES OF THE PEACE FOR THE
NORTH RIDING OF YORKSHIRE.**

MOTION

FOR A MANDAMUS.

On being called on to move,

Mr. Scarlett said:—If your lordship pleases, I am instructed to apply to your lordships for a rule to show cause why a writ of Mandamus should not be directed by this court to the magistrates of the north riding of the county of York, commanding them to take into consideration a report made to them by one of their own body, to inquire into and rectify the abuse contained in that report.

The Lord Chief Justice.—To do what?

Mr. Scarlett.—To inquire into and rectify the abuse contained in that report, my lord.

The Lord Chief Justice.—What power have we to do that?

Mr. Scarlett.—My lord, I apprehend if the magistrates omit to do that which by law they are bound to do—

The Lord Chief Justice.—What law is there that requires them to take that into consideration?

Mr. Scarlett.—I was about to state, my lord, that an Act of Parliament passed in the last session, for making it imperative on the magistrates to perform this duty, which I understand they refuse to perform, which I apprehend your lordship is competent to enforce them to perform, and which from some mistake in judgment they have omitted to perform.

The Lord Chief Justice.—What is the statute?

Mr. Scarlett.—The 4th of George IV. chapter 64, which is an “Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in England and Wales.” My lord, I should state before I state that statute—

The Lord Chief Justice.—What section?

Mr. Scarlett.—My lord, that statute in the 17th section contains this clause:—“Provided always and be it enacted that it shall be lawful for any justice of the peace for any county, riding, or division, district, city, town, or place,

at his own free will and pleasure, and without being appointed a visitor, to enter in and examine any prison of such county, riding, division, district, city, town, or place, at such time or times, and so often as he shall see fit; and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing at the next general or quarter sessions of the peace, or adjourned sessions, which shall be holden for such county, riding, or division, district, city, town, or place; and then and so often as a report of any abuse or abuses in any such prison shall be made by the visiting justices, or either of them, or by any other justice of the peace for such county, riding, or division, district, city, town, or place, the abuse or abuses so reported shall be taken into immediate consideration by the justices of the peace for such county, riding, or division, district, city, town, or place, at the general or quarter sessions at which such report shall be made; and they are hereby required to adopt the most effectual measures for inquiring into and rectifying such abuse or abuses as soon as the nature of the case will allow."

My lord, the gentleman by whose direction I make this application, is Mr. Martin Stapylton, who is a gentleman of fortune and a magistrate in the north riding of the county of York; and he states that some time in the course of last year—

Mr. Justice Bayley.—He applied last sessions, and they refused to take it into consideration.

Mr Scarlett.—My lord he states this—

The Lord Chief Justice.—He is a magistrate of the county ; he has visited a gaol or house of correction ; he has made a report in writing to the quarter sessions—the general or quarter sessions I think it is—

Mr. Scarlett.—Yes, my lord.

The Lord Chief Justice.—At the general or quarter sessions he has made his report in writing to the magistrates, and has required them to take the same into consideration, and they have refused.

Mr. Scarlett.—No, my lord, I do not say they have refused—that is a question for the court : it appears to me they have taken it into consideration, but still they have not rectified the abuse, and have not taken measures to rectify the same, although they are commanded so to do.

The Lord Chief Justice.—No, let us look at the words :—“ The abuse or abuses so reported shall be taken into immediate consideration by the justices of the peace for such county, riding, or division, district, city, town, or place, at the general or quarter sessions at which such report shall be made ; and they are hereby required to adopt the most effectual measures for inquiring into and rectifying such abuse or abuses as soon

as the nature of the case will allow." But then we cannot, if they on inquiry be of opinion that that matter is not an abuse which a particular justice thought was an abuse—if they be of that opinion, the court cannot require them to do it.

Mr. Scarlett.—It is a matter of so much importance, that if it be possible by any means for the court to notice it, it should notice it.

The Lord Chief Justice.—But we must first know whether we have power; because of whatever importance the subject may be, our power is limited by the Act.

Mr. Justice Bayley.—Will you read that part of your affidavit which states the refusal of the quarter sessions to do what the act requires?

Mr. Scarlett.—My lord, I mean to show the orders made by the quarter sessions on the subject, and to show that by those orders it is ordered, whatever the character of abuse may be, they are to take measures to prevent it.

The Lord Chief Justice.—But who are to judge whether it is an abuse or not? Are they or we?

Mr. Scarlett.—If I am permitted, I shall show that there has been a direct violation of the Act of Parliament.

The Lord Chief Justice.—To be sure you are; no doubt about it.

Mr. Scarlett.—That is what I was going to do. This Act of Parliament, my lord, was made

amongst other things for regulating the visiting of gaols and the conduct of gaolers towards prisoners. And in one of the clauses of this Act of Parliament it is provided——my lord, I am thrown so much out of my course, that your lordship must give me a little time.

The Lord Chief Justice.—Oh certainly, I will call on another gentleman in the meanwhile.

Mr. Scarlett.—I should have called your lordships' attention to the Act of Parliament in the first instance, but your lordships putting these questions to me has deranged the view I had taken of the subject.

My lord, the 10th section of the Act shows what the law had been considered to be on the subject in question. It says, due provision should be made in every prison for the enforcement of hard labour in the cases of such prisoners as may be sentenced thereto, and for the employment of other prisoners. The means of hard labour shall be provided, and the materials requisite for the employment of prisoners shall be purchased under such regulations as may be made for that purpose by the justices in general or quarter sessions assembled. If the work to be performed by the prisoners be of such a nature as to require previous instruction, proper persons shall be appointed to afford the same. Every prisoner maintained at the expence of any county, riding, division, and so on, shall

be allowed a sufficient quantity of plain and wholesome food, to be regulated by the justices in general or quarter sessions assembled, regard being had (so far as may relate to convicted prisoners) to the nature of the labour required from or performed by such prisoners, so that the allowance of food may be duly apportioned thereto. And it shall be lawful for the justices to order for such prisoners of every description as are not able to work, or being able, cannot procure employment sufficient to sustain themselves by their industry, or who may not be otherwise provided, for such allowance of food as the said Justices shall from time to time think necessary for the support of health.

My lord, I now come to the 37th section—

The Lord Chief Justice.—What section?

Mr. Scarlett.—The 37th. I have just read to your lordship a clause in the 10th section, and I rely very much on the 13th regulation contained in that section; and I come now to the 37th section, which points out in what case prisoners committed for trial may be employed in work. And whereas persons are now committed to prison for trial who are willing to be employed in such work or labour as can be conveniently executed or done in the prison to which they are so committed, and it is fit that such persons should be so employed rather than that they should be obliged to remain idle during their

confinement; be it therefore enacted, that it shall and may be lawful for any one or more visiting justice or justices of any prison to which this Act shall extend, to authorize, by an order in writing, the employment of any such prisoners with their own consent, in any such work or labour; and it shall be lawful for the keeper of such prison to employ such prisoner in such work or labour accordingly, and to pay such prisoners any such wages, or portion of the same, and at such periods as shall be directed by such justice or justices. Provided always that it shall not be lawful to place together, on account of such employment, any prisoners who would otherwise be kept separate under the provisions of this Act.

Now, my lord, I read this clause for the purpose of showing that there is no authority in the magistrates to set persons to hard labour who are committed for trial.

The Lord Chief Justice.—Without their consent.

Mr. Scarlett.—Without their consent; and there are very few lawyers who doubted that before, but some magistrates, by a practice which has prevailed, entertained a doubt about it. I do not mean to say there has been no parliamentary declaration which amounts to a law on the subject, but this Act of Parliament which expressly recognizes in what cases persons com-

mitted for trial may be employed in work, seems to set the whole at rest.

My lord, Mr. Stapylton states that in the course of last year he discovered, (and 'this is stated without the least reflection on any of the magistrates, many of whom are personal friends of my own, and whom I highly regard, and are men of the highest honour and integrity,) Mr. Stapylton says, that in the course of last year, having discovered, by visiting the prison, an abuse in the House of Correction at Northallerton, namely, that prisoners committed for trial are compelled to work on the tread-mill, which he considered an abuse, that he represented several cases to the Court of Quarter Sessions, but the magistrates have not paid any attention to it, conceiving, perhaps, that it either was no abuse, or that it was not proper for them to inquire into it, but to leave it to the visiting justices.

My lord, that Act of Parliament passed in the 4th year of the reign of his present Majesty; to which I have directed your attention, the operation of which commenced on the 1st of September; and Mr. Stapylton, then armed with this Act, visited the prison, having ascertained that the practice still continued, of putting all the prisoners to hard labour on the tread-mill, and he made the report, which is very short, and which I shall state to your lordship, to the quar-

ter sessions. He states, my lord, he discovered an abuse in the House of Correction at Northallerton, namely, that prisoners committed for trial are compelled to work in the tread-mill, and that such punishment has been inflicted on untried prisoners during the last week, in contempt or misapprehension of the Act of Parliament for regulation of prisons, the 4th of George the Fourth, chapter 64th, which was to take effect on the 1st of September last, and which expressly orders the employment of such untried prisoners, with their own consent only, do hereby report this compulsory employment and punishment as illegal. And according to the 17th section of the aforesaid Act, I demand that this abuse be taken into immediate consideration and rectified.

The Lord Chief Justice.—That was at the last quarter sessions?

Mr. Scarlett.—Yes, my lord. My lord, the day after this gentleman left the sessions, it was taken into consideration, (that I don't deny,) but the mode of rectifying it was not the proper mode, and your lordships will find, when I come to read the clause, what is the way of rectifying it. I will state first the substance of it. Your lordships are aware that those prisoners who are unable to maintain themselves from their funds, have a certain county allowance. The magistrates made this order, that all those persons of

all descriptions committed for trial; who refuse to work—who refuse to work, (the meaning of which is, those who refuse to work at the tread-mill,) shall only be allowed bread and water—bread and water.

Now, my lords, I will read that rule ; it is the 13th rule :—“ That the present dietary be continued for all convicted prisoners, regard being had by the visiting justices to the nature and degree of labour required from them, and that the same dietary be also allowed for such prisoners of every description as are not able to work, or being able, cannot procure employment sufficient to sustain themselves by their industry, or who may not be otherwise provided for, and that persons committed for trial who are able to work, and have the means of employment offered them by the Visiting Justices, by which they may earn their support, but who obstinately refuse to work, shall be allowed bread and water only.”

Now I beg to make this remark : this gentleman has made this report, that he finds the abuse compelling these persons to work in the tread-mill. Now the justices do not make any order on the subject of persons working in the tread-mill, nor they do not prohibit that, but the order is, that all persons who shall refuse to work, who are committed for trial, shall be allowed only bread and water.

The Lord Chief Justice.—That is, they shall be allowed from the county-fund only bread and water. They are not prohibited if they have the means of obtaining other support.

Mr. Scarlett.—I do not say they are. If they have funds of their own it does not say they may not use them. At least, I do not apprehend the magistrates meant that. I suppose not. But when you look at the act of Parliament, the act of Parliament declares, that the magistrates shall allow the prisoners, without distinction, wholesome and sufficient food.

My lords, Mr. Stapylton has made an affidavit, in which he states he is of opinion (and of that opinion he is very confident) that bread and water are neither wholesome nor sufficient food for prisoners who are confined. And I need only refer your lordships to what has passed in this neighbourhood very lately in illustration of that. This case may occur, my lords, of a man who has no means of obtaining his livelihood but by his work, and he may be committed for an assault, or some offence of that sort, which is to be tried, and who who has no means of procuring bail; in fact, that case has occurred, where a man was committed because he could not find bail at the trial, and the magistrates said to him, “you shall work;” is it right that he should be put to the tread-mill? If the order had stated, that the magistrates are to provide

him with work such as he has been accustomed to do, and they had done, that and he had refused to do it, then he might be punished for refusing; but, perhaps, the law is doubtful on that. They take no notice of the abuse which was complained of—of compelling the prisoners to work at the tread-mill; they leave that as it stood before, making no order on the subject. But they do in their resolutions take measures for enlarging the tread-mill, and putting that into order so as to make it competent for all the prisoners.

Mr. Justice Bayley.—Who is to judge, Mr. Scarlett, whether that is a proper species of labour or not; and who is to judge whether that is or not sufficient and wholesome food? It is their duty to judge whether it is sufficient.

Mr. Scarlett.—Suppose a tailor is put into the prison, my lord, who could work very well if the magistrates would give him the means of employ, he has no right to work at the tread-mill.

Mr. Justice Bayley.—Then, Mr. Scarlett, you mean to say, that this court is to decide what particular species of labour each man is to have, and to take away the jurisdiction of the session.

Mr. Scarlett.—I submit, my lord, on this part of the case, if the work in the tread-mill previous to the trial is contrary to law, which I take

it this statute shows it is; the compulsion to work at the tread-mill.

Mr. Justice Bayley.—Then you mean to say the compulsion to work is illegal?

Mr. Scarlett.—Yes, my lord, before the trial.

Mr. Justice Best.—That statute leaves it where the statute of Charles the First does; namely, that if a person wants assistance, he is to be furnished with work in order that he may employ himself.

Mr. Scarlett.—My lord, I shall finish what I have to say on the subject very soon, and I will give the court no further trouble. This gentleman, Mr. Stapylton, has come forward on this occasion, feeling that there has been injustice done to some of the prisoners, and I am anxious to do justice to him, who is a gentleman of very high honour and integrity, and who is also a man of great humanity, who has undertaken a task which has, no doubt, excited many odiums, which a person must naturally do who comes forward on such an occasion; but I am satisfied that he has done it with a view of rendering a service to the community; and I hope, therefore, you will forgive the design.

Mr. Justice Bayley.—What section is it that specifies the allowance of food?

The Lord Chief Justice.—The thirteenth regulation of section ten.

Mr. Scarlett.—A prisoner maintained at the expense of any county, riding, division, city, town, or place, shall be allowed a sufficient quantity of plain and wholesome food, to be regulated by the justices in general or quarter-sessions assembled; regard being had (so far as may relate to convicted prisoners) to the nature of the labour required from, or performed by, such prisoners, so that the allowance of food may be duly apportioned thereto.

Now, my lords, this is the proposition: in case a man will not do such work as the justices order, then he is to be allowed bread and water only. Now, my lords, then is bread and water a wholesome food? And that is matter of fact, my lords, that is matter of fact; it is sworn that it is not wholesome food; that it is not food on which prisoners especially can be sustained. It is food given to convicts who are sentenced to death, but it is not given for the purpose of sustaining life and health. It is given to prisoners under sentence of death for the purpose of producing mortification, and bringing them down, by low diet, to that state of body as well as mind, in order to make them more fit to contemplate the horrible event that is likely soon to ensue. But living on bread and water in a prison never can be considered as good living or even wholesome food. And this gentleman swears he is of opi-

nion, that bread and water are not wholesome food for prisoners who are confined.

Now, my lords, all that the magistrates have done is, they do not make an order that the prisoners shall work in the tread-mill; they do not confirm that abuse, that from the periods at which they are committed they shall work at the tread-mill; but they say, if they do not work (clearly meaning the tread-mill) they shall only have bread and water. Now, that is the question. And I put this dry, naked case: suppose a poor man, who has no means of assistance, is cast into prison, although he may be as innocent as any person who now hears me, (for it very often happens that the facts are mistaken, and many a person is taken up on suspicion and thrown into prison, although when the facts come to be proved, he clearly establishes his innocence,) and suppose in the case of an innocent man being sent to prison he not being able to find assistance, and is committed for three months or four, as the case may be, until he can be tried, and he says, "I don't choose to labour;" suppose he is obstinate and does not choose to labour, and more especially he might say, "I have not been accustomed to such labour as the tread-mill; I cannot labour at that, and I don't choose to labour at all; I shall be idle while I am a prisoner;" are the magistrates to

say, "then you shall starve?" Have the magistrates the power to say, "then you shall have only bread and water?" My lords, they are bound by law to give them wholesome food. Now, if I assume the fact as it is here sworn, that bread and water is not wholesome food under the circumstances, is it not an abuse that every person who is committed for trial is compelled to labour, and is that abuse reduced by saying, "you shall labour, or you shall have only bread and water?" That is the whole of the case.

My lords, Mr. Stapylton does not complain of the motives of the magistrates, nor does he mean to insinuate, that it is the intention of any one of the gentlemen to do any thing which is not correct and honourable; perhaps it is possible that some feeling may be excited by this attack of the legislature, who have come to a declaration in conformity with the opinions of this gentleman with whom they have had a controversy before on the subject, but he does not mean, nor am I instructed to insinuate any such thing; the question is simply on this order, "bread and water or the tread-mill;" is it a correction of the abuse which he, in his official character, has laid before them and called on them to rectify? I submit it is not. And therefore the question is, whether under the act they

are not bound on such a report being made to to rectify the abuse?

Mr. Justice Bayley.—Their order does not specify the tread-mill.

Mr. Scarlett.—No.

Mr. Justice Bayley.—They do not say, “you shall work at the tread-mill and nothing else.”

Mr. Scarlett.—No, my lord; the fifth rule says, that the tread-mill is applicable to hard labour in the case of such prisoners as may be sentenced thereto and for the employment of other prisoners. So that they make the tread-mill the species of labour for all classes of prisoners.

Mr. Justice Bayley.—So it may be, but the visiting magistrates are best able to exercise a discretion whether they shall go to the tread-mill, or any other species of labour. When a particular individual is brought to prison, saying, he can labour only at particular things, then perhaps the visiting magistrates will give him labour in that way.

Mr. Scarlett.—My lord, I will put the tread-mill out of the question; I say, any species of labour. The question is, whether a man who is committed for trial is bound to labour? He clearly is not, by the law, *without his own consent*, because the statute declares that; and the magistrates have no power to make them work except

by their consent ; and are they enabled to extort that consent by saying, “ I will starve you ? ”

The Lord Chief Justice, (*warmly*)—Oh, certainly not.

Mr. Scarlett.—Then, my lords, are they not bound to provide them with wholesome food ?

The Lord Chief Justice.—That still brings you to the question—who are to judge of what is wholesome food ? It still brings you to that question.

Mr. Scarlett.—That is matter of fact.

The Lord Chief Justice.—Who are to judge of that matter of fact and decide on it ?

Mr. Scarlett.—Would your lordships allow the magistrates a power to exercise their judgment as to whether they will rectify an abuse when you see clearly they will not rectify it. Let me put this case : suppose such persons as do not choose to work, who are committed for trial, were to be fed on *nux vomica*, would your lordships say then that you were not competent to inquire whether that is a wholesome food for prisoners, and that there is to be no appeal from their discretion ?

The Lord Chief Justice.—That is quite another thing : you compare that which is the food of a large portion of the people in this country to poison ; that is comparing two things together which do not bear the slightest resemblance.

Mr. Scarlett.—The position seems to go that length.

Mr. Justice Bayley.—Be so good as to read that part of the affidavit which states that it is either insufficient or unwholesome.

Mr. Scarlett.—He says that he is informed, and believes it to be true, and from his own knowledge of the subject is confirmed in that belief, that bread and water unaccompanied by any other article of food, does not afford sufficient nourishment for the due support of human nature, and that upon such a diet the health of the prisoners cannot be preserved.

Mr. Justice Bayley.—Has he ascertained whether any of them have or not been so kept, and what has been the effect on their health? There are some instances in which persons have been kept on bread and water, and kept on it for a considerable length of time.

Mr. Scarlett.—That may be, but the question is, what effect it has on their health?

Mr. Justice Best.—It is what a very large portion of the community are fed with.

Mr. Scarlett.—I had thought that the effect was quite notorious from what I mentioned just now about the prison, and the calamities that have taken place in this neighbourhood in the course of the last year which have been reported by a most eminent physician to result from too sparing diet.

Mr. Justice Bayley.—That was insufficiency in point of quality.

Mr. Scarlett.—The quantity, my lord.

The Lord Chief Justice.—But it does not appear that the food was bread and water alone.

Mr. Justice Bayley.—I believe a very large portion of the inhabitants of this kingdom, for a considerable length of time, lived in a great degree almost upon oatmeal and water.

Mr. Scarlett.—I have done my duty in stating it to the court on behalf of the gentleman who is before me, who is a man of very high honour, and who has had some experience on these subjects, and he has thought it right to bring it before the court; he has discharged his conscience, and the rest is for your lordships.

(*Here the judges consulted for a short time.*)

Mr. Justice Bayley.—Be so good as to hand up the resolutions of the quarter-sessions..

Mr. Scarlett.—This, my lord, is a printed copy, which, perhaps, may be more convenient to your lordship. (*Handing it up.*)

(*After the judges had consulted together for some time, and looked at the Act of Parliament on the subject,*)

The Lord Chief Justice said:—Can you refer us to the Act of Parliament which makes it compulsory on the county to provide for persons committed for trial?

Mr. Justice Best.—The 19th of Charles the

Second. This act does not appear to go beyond that.

Mr. Alexander.—The 19th of Charles the Second, chapter 4.

Mr. Justice Best.—Directs the magistrates to find them with work in order that they may have the means of maintaining themselves.

Mr. Alexander.—Yes, my lord.

Mr. Scarlett.—My lord, this is the act without referring to any former act—the act that passed in the last year.

The Lord Chief Justice.—Which regulation?

Mr. Scarlett.—The 10th clause, and that is followed by certain regulations.

The Lord Chief Justice.—Which of the regulations is it?

Mr. Scarlett.—The 13th.

The Lord Chief Justice.—That says: “That every prisoner maintained at the expense of any county, riding, division, city, town, or place shall be allowed a sufficient quantity of plain and wholesome food to be regulated by the justices in general or quarter-sessions assembled, regard being had (so far as may relate to convicted prisoners) to the nature of the labour required.” That does not direct that every prisoner shall be maintained, but only those that are maintained at the county expense shall be allowed food in proportion to the labour required. Then we come to the 14th section which seems

to raise the doubt in my mind as to finding any provision for those who do not work. And that is: "prisoners who shall not receive any allowance from the county, whether confined for debt, or before trial for any supposed crime or offence, shall be allowed to procure for themselves, and to receive at proper hours any food, bedding, clothing or other necessaries, subject to a strict examination."

Mr. Scarlett.—I have not been able at least on the sudden demand which your lordship makes, to furnish your lordship with any statute which shows that a prisoner committed for trial is to be maintained at the county expence.

Mr. Justice Bayley.—Then the 31st of George the Third has this provision: "the justices of session may order such sums as they think necessary to be paid out of the county-rate towards assisting such prisoners as are not able to work, or being able, cannot procure employment sufficient to sustain him with food by his own industry, and who is not otherwise provided for by virtue of any law or statute, or of any custom or order as the justices shall from time to time, think necessary. That applies to prisoners who are not able to work, or being able, are not capable of procuring employment.

Mr. Scarlett.—It does, my lord.

Mr. Justice Bayley.—Whether that extends

to criminal prisoners, or to debtors only, I do not know.

Mr. Justice Best.—A man in prison is not able to get the means of employment in prison as well as when he is out; but if he is furnished with employment in prison, why then he is in a better situation than a man who is out; and I should like to know by what law it is, if he has the means of working, that he is not to work?

Mr. Alexander.—Another statute relating to the sustenance of prisoners, is the 31st of George III. chapter 46.

The Lord Chief Justice.—What statute?

Mr. Alexander.—The 31st of George III. chapter 46.

The Lord Chief Justice.—Will you read any section which you think necessary?

Mr. Alexander.—The 13th section, my lord, recites an act passed in the 14th year of the reign of Queen Elizabeth, and also the above-mentioned act of the 32nd of George II., whereby some provision is made for the relief of prisoners; but notwithstanding the humane purposes thereby intended, the health of prisoners is frequently so affected by want of necessary food, as to render them incapable of labour when released, and therefore it may be expedient to have a more extensive provision in favour of such poor prisoners as shall be confined in the said gaols

and other places of confinement, as have not the means of acquiring necessary sustenance :—" Be it therefore enacted, that from and after the passing of this act, it shall be lawful for the justices of the peace, at their general or quarter sessions, or any adjournment thereof from time to time, to order such sum or sums of money to be paid out of the county-rate towards assisting such prisoners of every description, as being confined within the said gaols or other places of confinement, are not able to work, or being able cannot procure employment sufficient to sustain themselves by their industry, or who may not be otherwise provided for by virtue of any law or statute, or of any custom or order, such food and raiment as the said justices shall from time to time think necessary for the support of health ; and such money shall accordingly be applied in conformity to the directions to be given by the said justices."

The Lord Chief Justice.—That applies either to when men are not able to work, or being able to work cannot find employment. But if they are provided for otherwise, the county is not bound to maintain them. If they have a provision of their own, the county is not bound to maintain them. What the court is seeking for at present is to see if there is any act of the legislature which makes it compulsory on the

county to feed a man who can work and wo'nt work—that is what we are looking for now.

Mr. Scarlett.—I see exactly, my lord.

The Lord Chief Justice.—At present it does not appear to me that there is any such legislative provision; and if there be not, there is no ground on which this court can grant the present rule, because we cannot take on ourselves to say—for the purpose of what is now before us at least—we cannot take on ourselves to say, that working in the tread-mill is not the proper work to which a man may be set while he is at prison. We cannot take on ourselves to say that; and finding no legislative provision which requires the county to maintain men who refuse to do the work which is proposed to them to perform, we cannot take on ourselves to say, that the allowance of bread and water only is not the proper diet; it is for the magistrates to exercise their discretion about that: we cannot take on ourselves to do that unless we were to take away the jurisdiction of the magistrates. Now we ought on every occasion to be exceedingly careful how we interfere with their jurisdiction; namely, that jurisdiction which the legislature has vested in their discretion as to the management and duty of prisoners; and before you can call on us to do that, we must see plainly that they have miscarried in some duty which is

imposed on them by law. Before this court can interfere, we must see that there has been some fault committed ; but in this case it has not been shown that the magistrates have failed at all in their duty.

Mr. Justice Bayley.—We cannot grant a Mandamus to the justices, unless we see what is the duty of the justices, and that they have not done their duty. Now if there be no Act of Parliament which says that a man who is capable of maintaining himself, and is capable of working, but will not work, shall have a specific description of support at the expence of the county, we cannot order that specific support ; nor can we say that these justices who have ordered him bread and water only in cases in which they are not bound to order him any thing, by ordering him more than they were bound to do, have deviated from their duty.

Mr. Justice Holroyd.—I am of the same opinion.

Mr. Justice Best.—It does not appear to me to be possible to grant a Mandamus in this case, because the Act in its terms says it is for the magistrates, in their discretion to say what is proper food ; and if the magistrates are bound to provide idle men with any food, if they in the exercise of their discretion give them what is proper food, we cannot find fault with them in

the exercise of that discretion ; and there never was a case in which, where the discretion was vested in the magistrates, this court directed the manner in which that discretion should be exercised. It appears to me, it has always been the course of the legislature in making legislative enactments not to place a man in [prison in a better situation than one out, but they place him in as good a situation. When a man is out of prison, it is his own fault if he does not maintain himself if he is able to work, and has work ; if he is unable to work, he must be maintained at all events ; but when a man in prison is able to work, and has work found him, if he says, "I will not work," I know of no law which says that he is to be assisted in idleness ; if so, by getting in gaol he would be placed in a better situation than he is out. Certainly a man in gaol has not the same facility of obtaining labour as he has out : the magistrates therefore, according to the Statute which passed in the reign of Charles II., are bound to furnish him with the means of maintaining himself, and nothing more. But if, when he is furnished with the means, from obstinacy or incorrigible impudence, he says he will not work when he has the means he must take the consequences on himself. The magistrates, in that case, are not bound to keep him in idleness. Therefore it appears to me upon

that ground, there is no foundation for the present application. But I am very far from saying, if the magistrates are bound to keep him with some food, that wholesome bread and water is not sufficient for persons who do not choose to do any work whatever. I am afraid it often happens that those who are disposed to work, and who are disposed by means of that work to support themselves out of prison, have not such comfortable means of support as that which the magistrates offer in the prison.

Mr. Scarlett.—I agree, my lord, that it would do a great good if persons who are committed for trial, and who are able to work, but are determined not to work, were not entitled to be supported at the public expence.

The Lord Chief Justice.—Yes, yes; but no legislative provision has been adduced to us to show that they are. All those provisions of the Legislature which have been brought before us, are provisions requiring the county to find them with the means of employment, in order that they may maintain themselves.

Mr. Scarlett.—I have never been able to find any statute that entitles a prisoner in that particular situation to the public allowance. There have been floating opinions upon that subject, but they vary much. It may be, but I have never been able to find any statute relative to that.

Mr. Justice Best.—I have taken some pains on other occasions to look for some, but I could find no other.

RULE REFUSED.

COPY OF A PETITION

TO THE

HOUSE OF COMMONS

FROM MARTIN STAPYLTON, ESQUIRE,
PRESENTED ON THE TWELFTH FEBRUARY, 1824.

To the Honourable the House of Commons of Great Britain and Ireland in Parliament assembled,

The Petition of MARTIN STAPYLTON Esquire one of his Majesty's Justices of the Peace for the North Riding of Yorkshire humbly representeth,

THAT your Petitioner having at several successive quarter-sessions at Northallerton, ineffectually attempted to rectify the abuse of subjecting persons committed for trial to the tread-mill, did on the 16th of May last by petition, represent the same to your Honourable House; and when, in the discussion which took place the Right Honourable Robert Peel and other members expressed their disapprobation of this practice, and when subsequently on

the 10th of July, an Act of Parliament passed declaring, that persons committed for trial should be employed with their consent only; your Petitioner satisfied in the result of his representation did not expect again to intrude on the attention of your Honourable House, but on the 17th of July last, when the said Act was produced at the Sessions at Northallerton the Magistrates refused to take it into consideration, on the plea that no magistrate except your Petitioner had an authorised copy of it.

Three months afterwards at the October Sessions the said Act was taken into consideration, and your Petitioner in open court reported, and demanded a rectification of the abuse, but the Magistrates refused redress; and stated in their circular orders, that the tread-mill was proper for employment as well as hard labour; and that untried prisoners refusing to be so employed should be kept on bread and water only.

On the 13th day of November last, your Petitioner by his counsel James Scarlett Esquire moved the Court of King's Bench for a Mandamus to compel the Justices of the North Riding of Yorkshire to discontinue the practice of subjecting persons committed for trial to the tread-mill prior to their trials.

Your Petitioner who in his official duty as a magistrate and as a sheriff in York had on several occasions admired the patience, the

wisdom, and the benevolence of Mr. Justice Bayley, cannot express his astonishment on observing in the Court of King's Bench the evident and extreme reluctance with which that learned and highly venerable Judge and the other judges of the Court gave an unwilling attention to the powerful and temperate arguments of the learned counsel on this most important subject. And after some discussion the Lord Chief Justice of England, Mr. Justice Bayley and Mr. Justice Best refused the Mandamus. In the extreme delicacy of these high official characters urging them to doubt the propriety of their interference with the discretion of a bench of justices they asserted, that no statute compels magistrates to support persons committed for trial at the expense of the county, not recollecting, as your Petitioner in all humility presumes, that not only custom and Christianity require, but common law *invites, authorises, and imposes* on magistrates the county support of those destitute persons whom they commit for trial on *suspicion* of crime.

The Judges of the King's Bench then promulgated an opinion that bread and water alone is sufficient for the support of untried prisoners in direct contradiction to the solemn deposition of your Petitioner sworn in their presence, that bread and water alone is not sufficient for the support of health and strength.

Your Petitioner prays for an inquiry whether it be not possible, that in the imperfectness of even the most exalted human characters, these learned Judges have hastily expressed erroneous opinions, and in their delicacy refused to interfere where they had not only the power, but it became their duty to exercise their authority.

Unconnected with any political party, unbiassed by the possibility of any particular personal interest, your Petitioner has no motive in this intrusion but a desire to support that Constitution which his ancestors painfully assisted to construct, and a determination to act that part in the progress of his retired life which his station as an independent magistrate demands.

He therefore implores your Honourable House to reiterate a legislative enactment, that no persons committed for trial shall be employed at the tread-mill, and that the evasive practice of tendering to untried prisoners refusing such employment a diet of bread and wafer only, be discontinued in conformity to that general sentiment which recognises as first principles of the British Constitution, that Christianity is the law of the land, and that accusation and crime shall not be confounded.

MARTIN STAPYLTON.
OF MYTON, YORKSHIRE.

Russel-Street, Bath.

Feb. 9, 1824.

ON the reading of this Petition in the House of Commons, the sensation, as an honourable member of it expressed to the bench at Northallerton, was so intense that you might have heard a pin drop on the floor ! an exact contrast to the clamour with which, at so many different quarter-sessions, the magistrates had overpowered my voice, when singly, unassisted by Whig or Tory, I had for two years or more repeated my unanswerable arguments for the preservation of my country's constitution ! As our hostilities of argument in this affair and other affairs where humanity was concerned in open court or in the magistrates' private room did not extend to interrupt in the slightest degree our social intercourse as gentlemen, I am not now endeavouring to triumph over my opponents, and shall content myself with observing, that not an individual in the House of Commons, or the House of Lords, was found to support the fancied right of the North Riding Bench to subject an untried prisoner to the treadmill ; and to avoid all future evasion, by diets of bread and water or other threats or promises, according to the hints which I gave in my letters to the Marquess of Lansdowne, Mr. Peel and others, on the 21st June, 1824, the Act of Parliament, Geo. IV. 5. cap. 85, after having unanimously passed both Houses, received the royal assent.

It contains the two following sections : Sect. 16th, " Whereas by the said recited Act 4

George IV. c. 64, it was made lawful for one or more visiting justice or justices of any prison to which the same extended to authorize by an order in writing, the employment of prisoners committed for trial, with their own consent in any such work as therein specified ; be it hereby enacted and declared, that such consent of every such prisoner shall be freely given, and shall not be extorted or obtained by deprivation, or threat of deprivation of any prison or other allowance ; and, *that no prisoner before conviction shall, under any pretence, be employed on THE TREAD-WHEEL, EITHER WITH OR WITHOUT HIS CONSENT.*"

Sect. 17th, " And whereas it has been doubted whether prisoners committed to prison for trial, who are unable to maintain themselves otherwise than by being employed in some kind of work or labour in prison, are entitled to receive any prison allowance of food without being required so to employ themselves ; be it hereby enacted and declared, that such prisoners shall be allowed such food as may be sufficient for the support of health, without being obliged to perform any kind of work or labour as the condition of such allowance ; and, that any wages, or portion of the same, which may become due to such prisoners from the keeper of any prison in consequence of any order made by any visiting justice or justices of such prison for the employment of such prisoners with their own con-

sent, shall be paid to them, as directed by such order in addition to the food so allowed, and without any diminution of such allowance by reason of such payment."

And yet it is proper to relate, that so determined were the visiting justices to show their firm opinion of their own wisdom in opposition to this reproof from the legislature, that when I applied to the chairman of the visiting justices, after this *second* act of Parliament on the subject, he still refused to order the untried prisoners to be released from the tread-wheel. I therefore went myself to the gaol, and ordered each untried prisoner, one by one, after examining into the case, to be released, which order the gaoler Mr. Shepherd, who is a man of humanity and great propriety of conduct in his station, immediately obeyed.

A difficulty arose concerning two prisoners, who having endured imprisonment after conviction according to their sentence were still imprisoned for want of sureties. I did not venture on my own responsibility to release them; though I thought the spirit, if not the letter of the act, included them. Their case was argued at the next sessions, and then indeed I was strongly supported by several members of Parliament and other justices, who do not generally attend at Northallerton, and who carried it by a majority of one, that these two prisoners should

be freed from further punishment on the tread-mill.

And now, in the cause of humanity, I earnestly entreat my brethren in the commission of the North Riding, to consider whether this error by them, concerning untried prisoners, now rectified by the legislature, should not urge them to a retrospective view of other instances of severity, more particularly unbecoming a Bench where two divines of the Church have manifestly the leading influence.

If called upon by either of those divines, whom I am happy to consider as my friends, I am ready to specify the cases I allude to, which must be in the recollection of many. The placing persons convicted for game offences on the tread-mill is contrary to the custom of the other counties, as Mr. Peel, when Secretary of State, informed them, and in vain remonstrated with the Bench on this subject.

The following letter was addressed by me to Mr. Peel on this subject.

Myton Hall, Boroughbridge,
July 13, 1825.

SIR,

I HAVE the honour to inform you, that in consequence of your letter to the visiting justices at Northallerton, laid on the table the 11th instant, the first day of sessions, as an in-

dependent magistrate, I moved, "*that the practice of putting prisoners for the game-laws on the tread-mill be (according to the recommendation of the Secretary of State) discontinued.*"

Not a single magistrate present appeared to me to pay the slightest respect to your recommendation. One of them offered to second the motion for the purpose of discussion, but not to support it, which I declined. What took place the next day I am not aware of, as I left the Sessions immediately after my motion proved unsuccessful, and at the conclusion of some other business.

* * * * *

Lord Dundas that day sent in his resignation as one of the chairmen of the Sessions.

I hope your high office gives you some means of enforcing the spirit, and in my humble opinion also the letter of the law against such conduct in these magistrates.

The untried prisoners are still unemployed contrary to the practice of all well-regulated gaols.

If this is not considered an intrusion, you will direct one of the clerks to acknowledge the receipt of this information from him who has the honour to be,

With all possible respect,

&c. &c. &c.

MARTIN STAPYLTON.

Right Hon. ROBERT PEEL,
Secretary of State.

Mr. Peel, though he adopted my very words in his speeches and in the Acts of Parliament, never condescended by himself or clerk to acknowledge this or the other two or three letters which I sent him, of which he availed himself.

The greatest severity continued in the practice of the Bench towards offenders on the Game Laws without any further reproof from the late Secretary of State. He found the list I sent of the Magistrates all Tories, no Whig being present that day; but we find at Sessions, Whig preservers of game sometimes imitating the Draconian system.

I must also mention that in the course of my duty as a magistrate, in April 1826, I committed a farmer on my own view, "for having by his negligence occasioned the running away of his horses with a cart on the highway for a considerable distance, and afterwards refusing to discover his name."

As he bore a respectable character, I accompanied the commitment by a note upon the commitment, that he "was not to be put on the tread-mill."

The man *was put on the tread-mill*, and the following note addressed to me :

Northallerton, 12th of April, 1827.

SIR,

THE Gaoler having laid before the Visiting Justices of the House of Correction at Northallerton the commitment by you of George Hewitt for fourteen days, "but not to put him on the tread-mill,"

I am directed by the Visiting Justices to inform you, that it is contrary to the rules of the prison to exempt any convicted offender from the tread-mill except under circumstances allowed by the surgeon, or unless he maintains himself.

I am, SIR,

Your most obedient humble servant,

THOS. WAIT,

CLERK TO THE VISITING JUSTICES.

To MARTIN STAPYLTON, Esq.

Notwithstanding this arbitrary proceeding I doubt whether magistrates are authorized by the legislature to put prisoners committed for offences under the acts to preserve the highways, and for similar faults which do not imply any great moral delinquency to the *infamous* punishment of the tread-mill, which should be confined to hardened offenders, or at least to those, as I interpret the acts, to those who have undergone the trial by jury. If I am enabled, I shall

direct my attention to this subject, feeling as I do that the present Secretary of State will not consider any application intrusive which is calculated to diffuse mercy, and consequently to give additional respectability and usefulness to the unpaid magistracy of Yorkshire.

On the subject of the arduous contest for the untried prisoners I received my principal support from the justice of my cause, and the expected blessing of the Almighty to prosper my humble endeavours ; but I should be ungrateful if I did not thank the Reverend Benjamin Newton of Wath who seconded my motion on the first day, though his illness deprived me of his presence at most of the succeeding debates.

The encouragement I received from the public press was most important and satisfactory to my mind. To the editor of the Morning Chronicle and other papers in London ; to the editors of the York Herald, York Courant, and Leeds Mercury I shall ever feel deeply indebted. The Edinburgh Review constantly coincided with me.

Mr. Cobbett having lately made a mistake concerning the bread and water, in justice to one of the best judges that ever adorned an English Bench, I lately published the following letter to him, and think it may not be improper to insert it in this place.

To William Cobbett, Esq.

SIR,

In “*The Morning Chronicle*” you are stated to have expressed in your speech yesterday at the Westminster Meeting, that it was “*declared from the King’s Bench, that bread and water ought to be the general food of the labouring classes.*”—Assuming that you refer to the expressions of Mr. Justice Best and Mr. Justice Bayley when I in person and by my counsel applied to the King’s Bench to restrain the justices of the North Riding of Yorkshire from the punishment of prisoners before trial, which I afterwards effected by petitioning against the judges for the Act which unanimously passed both Houses to “prevent the putting *untried* prisoners on the tread-mill with or without their consent,” I beg to assure you, that neither of the judges did then express such an opinion.

In contradiction to my affidavit that bread and water cannot support prisoners in health and strength, one of the judges did assert that great part of the population lived on such food; but neither of them asserted or insinuated that bread and water **OUGHT TO BE** the general food of the labouring classes.

I correct this error, whether it be your own or that of the reporter, in justice to the first-named

86 UNTRIED PRISONERS ON THE TREAD-MILL.

judge, and not only in justice but in personal veneration and regard to Mr. Justice Bayley, arising from the opportunities I have had of inferring, that to all the great intellectual endowments by which he has attained, and with which he dignifies the administration of the law, he unites those qualifications which render the highly-gifted and polished gentleman eminently desirable in the intercourse of private society, and consequently entitled to the just vindication of his fame from any doubts of his patience, his candour, or his benignity as a judge.—I am, Sir, with respect for your talents, and craving your indulgence for this correction of a mistake,

Your obedient servant,

MARTIN STAPYLTON.

[It is I hope a pardonable pride or vanity to include Speeches in this publication. The ensuing is the first political Speech I ever made, and this year was the era of my first attempt to address a Public Meeting, which was the opening of the Bible Society in York.]

A SPEECH

AT

LORD MILTON'S ELECTION DINNER IN YORK,

A. D. 1812.

Copied from the Report in the York Herald.

IT has sometimes been insinuated, my lord, that THE SONS OF PEERS should not be eligible for representation *in the Commons*, but I affirm it to be one of the wisest principles of the British Constitution as well as a particular cause of congratulation this day, that the Sons of Peers are in that respect on an equality with their fellow-citizens.—In the old government of France the nobility were a distinct order of men superciliously claiming privileges and vain distinctions, but their principal privilege was a *power to oppress*, and their principal distinction was an *exemption from taxes*.

Those who did not engage in the military service from having no honourable employment,

fell into habits of animal gratification, or devoted their attention to the acquirement of those futile decorations which may ornament a court but are useless to the world.

In the hour of danger on punctilious points of disagreement they refused to associate with the deputies of the people, and thus counteracted the intentions of those who it was supposed at that period of the revolution would have formed a *Constitution* after the model of the *British*.

Happy had it been for mankind if such a constitution had been formed. It would have preserved France from the anarchy and massacres which deluged her towns with blood, and it would have prevented the usurpation of that conqueror whose devastations have desolated the fair face of Europe.

To our young nobility intellectual superiority constitutes the highest object of ambition. Habits of long-continued application qualify them for the suffrages of popular election, and they know that much political importance can only be attained or preserved by POLITICAL ABILITY.

It has been among the Sons of Peers that we have had the brightest examples of the *purest patriotism*. Not to detain you by enumerating illustrious individuals of this class of different parties, I will simply mention a name

at which all your hearts will vibrate; for every patriot's bosom feels unutterable sorrow for the departed—the Hon. Charles Fox. I might have said Right Honourable, but that title he did not acquire till he had been designated by a much higher appellation, that of “the Man of the People.”

In the same career of political fame your suffrages Gentlemen have again placed the Noble Lord of whose abilities you have this day witnessed a splendid specimen; whose manliness of character and independence of mind have been conspicuously and uniformly displayed in the whole of his Parliamentary conduct.

He may not indeed possess such transcendent abilities as the immortal Statesman whose name I have mentioned, (for where in this age are we to find his equal?) The Noble Lord may, and I am confident does possess an *equal degree of energy* for the *public good*, an *equal disregard of his private advantage*.

From the sons of the British nobility embarking in politics their hearts and their understandings become enlarged by general intercourse with man, and when by succession to the Peerage they become the hereditary counsellors of their Sovereign, inestimable advantages accrue to themselves and to the State from their

having *studied* and from their having *assisted* in the legislative councils of the nation.

They then remember, that in the pursuit of an honourable ambition they solicited and obtained the suffrages of honest Freeholders, and the same patriotic ardour which glows in their breasts is from them imparted to other Peers of the realm, thus producing in the upper House of Parliament *a band of Patriots*, such men as the late Duke of *Bedford*, who in the hour of impending death thought not of himself but of his country, and the late Marquis of *Rockingham* who still lives in our grateful recollection. Thus preserving by political connexion, and supporting by political ability the CORINTHIAN CAPITAL of polished society on the firm unalterable BASIS of the PEOPLE'S RIGHTS."

[*The above Speech was received with universal approbation by the Noblemen and Gentlemen present upon this occasion.*]]

York Herald, 1812.

Fifteen years have confirmed the opinion I formed on my first knowledge of the Noble Lord to whom I was introduced at this dinner.

I allude to his talents and patriotic character; any other knowledge of him I do not boast of, and my readers will permit me now to digress in expressing my expectation, that with equal

honour to himself and advantage to his country, from a similar spirit of high patriotic feeling, another scion from the House of Peers, distinguished by classical attainments, and who was canvassed for at the last election, will I trust at some future period ably represent Yorkshire, the largest, and with one exception the most important county in England; whose sons have, perhaps, a higher descent from illustrious patriots than those of any other counties; and whose representatives ought not to be chosen merely from the extent of their landed territory, but also from the measurement of their patriotism and their talent; I feel a confidence, that if that period shall arrive, the noble Lord will prove, whilst his excellent father guides the councils of the state, the propriety and utility of deputing the sons of peers to be representatives of the Commons.

To revert to Lord Milton, I express with pleasure my admiration at his burst of extemporaneous eloquence indignantly displayed at the hustings last year to repress the boisterous but weak arguments of the "no popery" cry. May there never be in England another election so paltry in its proceedings as the last; converting the question of a candidate's qualification, which should embrace all subjects of national policy, into a mere bigotted inquiry concerning his religious faith.

It seemed to me to be a narrow-minded at-

tempt in interested men to convert a House of Commons into a House of Convocation—to care not what drivellers in politics might scramble into St. Stephen's, if they would condescend to unite in the insensate cry of a proscription which all truly religious men must view with alarm and abhorrence.

As a matter of curiosity, I insert in this publication, copied from the York Herald,

A LIST

OF THE GENTLEMEN WHO DINED WITH LORD MILTON ON FRIDAY THE 16TH OF OCT. 1812, TO CELEBRATE HIS RETURN AS ONE OF THE KNIGHTS TO REPRESENT THE COUNTY OF YORK IN PARLIAMENT.

LORD VISCOUNT MILTON in the CHAIR.

The Honourable L. Dundas, M. P.

The Hon. G. Monson.

The Hon. Wm. Stourton.

The Hon. Edward Stourton.

Sir George Armitage, Bart.

Sir George Cayley, Bart.

Sir Wm. Milner, Bart.

Sir John Ramsden, Bart.

Sir Edward Smith, Bart

Sir Wm. Strickland, Bart.

Sir F. L. Wood, Bart.

Mr. Chaloner, M. P.

Mr. Ramsden, M. P.

J. H. Smyth, M. P.

Mr. Wharton, M. P.

The Lord Mayor of York.

R. Sinclair, Recorder of York.

Rev. Mr. Armitstead.	Mr. Martin Stapylton,
Mr. Bell, Thirsk.	Nephew to the late Sir
Mr. Barlow.	M. Stapylton, Bart. late
Mr. Benyon, Leeds.	Member for the County.
Mr. Bowns.	Mr. H. Constable Maxwell.
Mr. Bayldon.	Mr. Middleton, Stockfield.
Mr. James Brown, jun. Harehills.	Mr. Maude.
Mr. Wm. W. Brown, Leeds.	Mr. Munby.
Mr. L. Childers.	Mr. Neville.
Mr. Crafnton.	Dr. Noehden.
Mr. Clough.	Mr. Place.
Mr. Clifton.	Rev. Mr. Parker.
Mr. Bryan Cooke.	Mr. B. Stapleton, Rich- mond.
Mr. G. Cooke.	Col. Smithson.
Capt. Crompton.	Mr. Smithson.
Mr. G. Crompton.	Mr. Serjeantson.
Rev. R. Croft.	Mr. R. Townend.
Mr. Cantley.	Mr. T. W. Tottie.
Mr. S. H. Copperthwaite.	Trustees of the Coloured Cloth Hall, Leeds, (a Deputation.)
Mr. Candler.	Mr. W. N. W. Hewett.
Mr. Clough, Oxton.	Col. Vavasour.
Rev. Mr. Dealtry.	Rev. Leveson Vernon.
Mr. Dealtry.	Rev. G. Vernon.
Col. Dixon.	Mr. Wrightson.
Mr. O. Edmunds, Worsbro.	Mr. Thomas Walker.
Mr. Alderman Ellis.	Mr. George Walker.
Rev. Mr. Flower.	Mr. Wrightson, jun.
Mr. Fisher.	Rev. Mr. Wharton.
Mr. F. F. Foljambe.	Rev. C. Wellbeloved.
Mr. Foljambe, jun.	Mr. Watson.
Mr. Haigh.	Mr. Alderman Wilson.
Mr. T. Kilby.	Mr. Lampriere.
M. Alderman Kilby.	Mr. W. Lee.
Mr. J. Kilby, jun.	
Dr. Lawson.	

In addition to the above, the following Gentlemen attended his Lordship to the Hustings.

Sir Thomas Frankland, Bart.

Sir Henry Lawson, Bart.

Mr. Barlow, Middlethorp.	Mr. Palmer.
Mr. Barret, Carlton.	Mr. Palmer.
Mr. T. Bischoff.	Mr. Pearse, Bedale.
Mr. Brooksbank.	Mr. D. Sykes.
Mr. Carr, Askham.	Mr. Stephen Tempest, Broughton.
Col. Croft, Stillington.	Col. Tottenham, Wakefield.
Mr. Sunderland Cook.	Rev. Dr. Tripp.
Mr. Challoner.	Mr. Turner, Sheffield.
Mr. Cholmeley, Bransby.	Mr. Thellusson.
Mr. Consett.	Mr. Thompson, Kirkby Hall.
Mr. Denison, Kilnwick.	Mr. Wybergh.
Dr. Cleaver.	Mr. Walker, Killingbeck.
Mr. Edgemount.	Mr. Wyvill.
Mr. Errington, Clints.	Mr. Edward Wyvill.
Mr. Fawcett, Bradford.	Mr. Wood, jun. Hollin Hall.
Col. Fenton, Sheffield.	Mr. Shepley Watson.
Mr. Wm. Fenton.	Rev. Mr. Wood, Wood- thorpe.
Mr. Ferrand, St. Ives.	Mr. St. Andrew Ward
Col. Ferrand.	Mr. S. Walker, Aldwork.
Col. Foster.	Mr. Vernon, Wentworth Castle.
Mr. Higgins.	Mr. Yeoman.
Rev. Lamp. Hird.	
Mr. John Lee.	
Mr. Josiah Oates, Leeds.	
Mr. D'Oyley.	
Mr. Parker, Woodthorpe.	
Mr. R. Peers, Thimbleby.	

LIST

OF THE GENTLEMEN WHO DINED WITH MR. LASCELLES
ON FRIDAY THE 16TH OF OCT. 1812, TO CELEBRATE
HIS RETURN AS ONE OF THE KNIGHTS TO RE-
PRESENT THE COUNTY OF YORK IN PARLIAMENT.

The Hon. HENRY LASCELLES in the CHAIR.

Viscount Lascelles.

The Hon. T. Robinson, M. P.

The Hon. W. Gordon.

Mr. Agar.

*Mr. John Atkinson.

Mr. Ackworth

Mr. Armitage.

*Mr. Miles Atkinson.

*Mr. Thomas Buckle.

Mr. T. E. Bellasyse, New-
brough.

Mr. Beal.

Mr. Robert Bower.

Rev. G. Brown.

*Mr. Bingley.

Mr. D. Bland, Kippax Park.

*Mr. Richard Brook.

*Mr. Blayds.

*Mr. Blayds, jun.

Mr. Briton.

*Mr. C. Becket.

*Mr. C. Bolland.

*Mt. J E. Brook.

Mr. John Brook.

*Mr. G. Bulmer.

Rev. W. Bulmer.

*Mr. J. Bischoff.

*Mr. Coulman.

*Mr. Coulman, jun.

*Mr. I. G. Clayton.

Mr. Claridge.

Mr. Dickens.

*Mr. Dinsley.

Mr. T. Duncombe, Tolston.

Mr. Roger Darval.

*Mr. Joshua Dixon.

*Mr. John Dixon.

*Mr. J. W. Elam.

Mr. Fairfax.

Mr. Foster.

Mr. John Gray

*Mr. Gott.

*Mr. John Gott.

Rev. J. Graham	Mr. Hall Plumer.
Mr. Gimber.	*Mr. Wm. Prest.
Rev. Mr. Green.	Mr. Pierson.
Mr. Green.	*Mr. Timothy Rhodes.
Rev. Mr. Gale.	*Mr. E. Smith.
*Mr. Wm. Hebden.	Rev. R. Sutton.
Mr. Hirst.	Mr. Fenton Scott, jun.
*Mr. Holdroyd.	*Mr. C. Smith.
Mr. Thomas Hamilton.	*Mr. Shaw.
Col. Harvey.	Rev. C. Sykes.
*Mr. Thomas Ikin.	*Mr. James Tennant.
*Mr. T. Jowett.	*Mr. Makin Thompson.
Mr. Jones.	*Mr. Alex. Turner.
*Mr. R. Leigh.	*Dr. Thorpe.
*Mr. W. T. Lee.	*Mr. J. Wilkinson, jun.
Col. Lloyd.	*Mr. Wormald.
Mr. Lister.	*Mr. R. Wormald.
*Mr. W. Morritt.	Mr. Wilson.
*Mr. R. Markland.	*Mr. Griffith Wright.
Mr. Midledge.	*Rev. Mr. Wray.
Mr. Menzies.	Mr. Walton
Rev. R. Markham.	Mr. J. Walton, jun.
Mr. Nicholson.	Rev. E. Wilson.
*Mr. James Nicholson.	*Mr. Westerman.
Rev. J. Overton.	Mr. H. Willoughby.
*Mr. Robert Ogden.	Mr. Yorke.
Mr. Overend.	

And about half a dozen others whose names were not enrolled.

The above List comprehends the principal part of Mr. Lascelles's attendants to the Hustings.

The names marked thus * are Gentleman resident in Leeds.

I am not answerable for the correctness of these Lists from the Herald.

THE SPEECH
OF
MARTIN STAPYLTON, Esq.
PRESIDENT OF THE EASINGWOLD BIBLE SOCIETY,
AT THE
YORK AUXILIARY BIBLE SOCIETY,
FEBRUARY 6, 1813.

THE HON. LAWRENCE DUNDAS, IN THE CHAIR.

MR. PRESIDENT,

Having had the honour to open the discussion at the first meeting, it would ill become me to be silent or to disguise the satisfaction which I now feel at the progress of this Auxiliary Society, with if possible additional conviction on my mind of the excellence and purity of the Parent Institution.

In the last revolving year events of vast importance have occurred. The ravages of war have been accompanied by the slaughter not of thousands as in former conflicts, but of hundreds of thousands in a single campaign. The capital of an immense Empire has been conflagrated, and its peaceable inhabitants have been driven to associate with the beasts of the forest. The pros-

pect indeed brightened when we contemplated the magnanimity of a Sovereign and a loyal People, who by glorious sacrifices arrested the progress of an unprincipled invader, and exterminated the numerous armies which the conqueror abandoned. But in the midst of our joy humanity drops a tear that the laurels of a magnanimous Monarch grafted on the justly incensed vengeance of an injured people are tinged with regret from the blood of those who fell in the courageous contest, even of those wretches who followed the fortunes of the Invader by compulsion and not by choice. Not so the laurels which I shall now allude to. In the same revolving year the eye of a philosopher has viewed a prospect which has no dark shade in the retrospect. At a fact of glory unaccompanied by the alloy of any lamentation the hearts of Christians have rejoiced in observing that the BRITISH AND FOREIGN BIBLE SOCIETY has gradually and unassumingly not in Europe only but in every quarter of the globe displayed its luxuriant branches, and shot forth germs for the delightful fruit of UNIVERSAL HAPPINESS. In defiance of the self-conceit of the bigots or the despotic edict of the Emperor of China it has widely in every part extended the bloodless conquests of the PRINCE OF PEACE.

The Society now comprises a considerable portion of all that is great and good in these kingdoms. We know no party, we distinguish no

sect. Our bond of union is the Bible alone, superior to every party, to every sect, to every establishment. Our particular modes of faith or political opinions in other places we are ready to explain, to support, and to defend ; but in this room, in this Society, we know no distinction but the general distinction of Christianity.

It is highly honourable to the City of York, that not only yourself, Mr. President, whose early patronage assisted the formation of this Society, but also the Honourable Baronet who is united with you for our Representation in Parliament, and whose character for private worth stands in high estimation, gave an early sanction to our proceedings, by the insertion of his name as a Member. In the same British Senate we may specify amidst numerous friends a Whatabread and a Vansittart, a Castlereagh and a Milton; and we may also boast; if this Society be allowed to boast, a strong and an early supporter to the Parent Institution in a Senator, whom, during his life-time I will venture to designate by the title of Immortal; for when other Statesmen have yielded to the ruthless attacks of time, humanity will cherish the memory of a Wilberforce, who in the Administration of Mr. Pitt commenced, and after persevering efforts, in the Administration of Mr. Fox finally accomplished the grand Abolishment of Slavery. A truly Christian act of Legislation, second to

no event in this age, except the formation of this Institution.

Our Society contains not only a large number of Bishops, Dukes, Marquisses, and Earls, but a considerable majority of the Princes of the blood. Nay even our enemies the Members of the French Imperial Institute have requested and obtained copies of the versions published by the Society, thus displaying by their good will the first glimmerings of that dawn of light which will ultimately shine forth in all the brightness of Universal Peace.

In this part of the country I dare affirm the whole population with very few exceptions, to be favourable to us. In Easingwold a town inferior to none for moral character and christian-like liberality there was scarcely an individual capable, who did not subscribe to that Branch Society, which your last vote has honoured with justly merited approbation. In the *Feasegate* district of the Bible Association of this City which I chanced to visit, no sooner was the application of your Committee made known, than all the inhabitants with scarce a solitary exception manifested the most generous zeal, a zeal which may be equalled but cannot be surpassed by those in the most elevated station.—Well Sir may we anticipate the most successful result since we already enroll all ranks from the prince to the peasant; from the literary champion of

the Society, the Prime Minister of these Kingdoms, to the humble but honest Mechanic in the poorest district of this well regulated city.

I now Sir move a vote of approbation of all the Bible Associations of this city; but I beg also to include, and indeed I have first mentioned in the motion that *Juvenile Society* which has already been so honourably noticed in the Report of your Committee. This Juvenile Society Mr. President was the spirited, spontaneous effort of that youthful band of heroes and heroines who at the commencement of this Auxiliary Society volunteered under the banners of the Prince of Peace. Youth is the season for tender sensibility to the miseries of others: it is also the season for the engraftment of that early piety which the vicissitudes or temptations of life may afterwards lessen, but never can destroy. Adversity may fix on any of this youthful band her iron talons; she may deprive them of those parental or other relatives whose hearts now exult with joy at the virtuous habits of their children; but adversity itself cannot deprive them of that consolation, that strong support in human suffering, that sure guide to future bliss which the bible and the bible only can afford.

If the *moral precepts* of that bible instilled in our early youth by those *beloved relatives*, who now perhaps from blissful regions view with approbation the gratitude of our hearts, if these moral

precepts in all the tumultuous scenes of life have been the constant guides to our integrity, so that we can now look round the world without fearing to meet the eye of an individual who has just cause of reproach against us, shall we hesitate to dispense this blessing, this inestimable guide to every quarter of the globe, to every inhabitant of the earth ?

Let me now conjure those of all ranks in this city who have not hitherto joined us to consider how much they owe to their Creator, how little they are able to repay. Of the variety of expenses incurred in life there are some which we might wish to erase from our recollection, some acts perhaps of kindness to the ungrateful, or some acts of prodigal ostentatious or luxurious expenditure; but is there a single act of charity which we would wish to recall, or of which we would accept a return even for our own emergencies? No, the approbation of our hearts ratifies such gifts, and the recollection of them gilds the hope with which we look forward to the time when perhaps they may be pleaded as testimonies of our *Religious Faith*.

Let every rational man reflect how magnificent is the present of a bible to the heathen or the suffering destitute, how small the sacrifice on his part, how immense the benefit on theirs.

The philosophy of the learned required learning to comprehend it; but the Scriptures as a

rule of life are plain and easy to be understood. He who runs may read, and he who reads them without admiration and delight must have a heart insensible to the beauties of nature and of truth.

What was the philosophy of the *Epicureans* better than Atheism disguised? In what did the philosophy of the *Stoics* materially differ from the Polytheism of the vulgar? Was not the faith of the Academics too fluctuating to be a rule for the conduct of life? Let Cicero's Dialogues on the gods, stript of rhetorical embellishment be put into the hands of a peasant of common understanding who has attentively studied his bible he will be astonished at the *stupidity* of the Epicureans, the *superstition* of the stoics, the *presumptuous rashness* of the Academics, and he will heartily thank his God for bestowing on him the Holy Scriptures with grace to read, and *common sense* to understand them.

In the early ages Christianity was opposed by those who in the pride of *human Philosophy* attacked it, and their writings have in part descended to us, and will bear to the latest period, important testimony to the religion of the only true and living God. It is thus with the British and Foreign Bible Society. It rises from controversy like gold from the furnace, with *unsullied purity*. To all the poison which human ingenuity on this subject can disseminate, no other

antidote is required, than the antidote of *common sense* which teaches church-men and dissenters to unite for that purpose of general civilization which by no other possible method than *their union* can be so effectually promoted. Publications of considerable ability represent the Society as aiming at political power and the acquisition of fame; but the Constitution of the Society is a self-evident proof of its purity. *Power* indeed the Society may and does possess —the God-like power of doing good. But if the supporters of it are ambitious of fame, let them not confine their views to the acquisition of *earthly reputation*, let them look forward to that day when the *defenders* of it will be confronted with their *accusers*, when an assembled universe shall witness *their acquittal*, and when a Judge, before whom the assembled universe will be as nothing, shall proclaim the *British and Foreign Bible Society* to be the Messengers of his Will.

Scripture warrants the conclusion that in a future state we shall have a distinct remembrance of our virtuous friends and connexions; that those beloved kindred, whom the cruelty of death has separated, shall be re-united in those mansions where neither sin nor sorrow have power to enter. And St. Paul seems particularly to express his expectation, that he shall see and know again his Thessalonian and Corinthian converts; let

us rejoice in the idea that the humble mechanic, who at our persuasion resigned a portion of his weekly pittance for the diffusion of christian knowledge will in another world recognize his fellow-labourer in the vineyard of our Lord, and and that we may *together* arrive at a heavenly consciousness of that joy with which the *converted* heathen will enter the gates of everlasting life.

On this subject I approach the borders of an invisible world. Anxious for the eternal fate of millions whose blood is of the same material as my own, I feel that I soar above the grovelling pursuits of earthly ambition; and the elevation which I feel impels me to express an ardent hope that the *bond of benevolence* which unites the numerous individuals of this assembly may not be torn asunder by the cares, the miseries, or the contentions of this life, but that it may finally be converted into a Bond of Harmony in "*the City of the living God*," and that we may all be present "*together*" in those realms of bliss where no *dissensions* will arise, no *differences of opinion* can exist.

A SPEECH
ON THE
PROPRIETY OF ADDRESSING
HER ROYAL HIGHNESS THE PRINCESS OF WALES;
DELIVERED AT THE MEETING HELD ON MONDAY, MAY 3, 1813,
AT THE GUILDHALL, IN THE CITY OF YORK.

EXTRACTED FROM THE YORK HERALD OF MAY 8, 1813.

A SPEECH

ON THE

PROPRIETY OF ADDRESSING HER ROYAL HIGHNESS THE
PRINCESS OF WALES.

MY LORD MAYOR,

As a requisitionist, I congratulate your lordship and this numerous, respectable assembly, (though after the manly and impressive speech of the Hon. Alderman who proposed the Address, and after the eloquent display of legal knowledge by the learned counsel who seconded him, it may be presumption in me to congratulate the inhabitants at large of this ancient city,) that we, who signed the requisition, were not restrained by the surmises of those who represented that our testimony in favour of an illustrious Princess was not required.

It is true, that in no company can now be found the man hardy enough to insinuate a charge of criminality against her Royal Highness, but that complete acquittal, that *strong acclamation of CHEERING APPLAUSE*, which the voice of a UNITED NATION is able to bestow, it rests with us, as the inhabitants of YORK, to contribute to by our honest and independent determination this day.

It is also true, that *in the House of Commons* a perfect unanimity has existed of refraining from all doubt of her Royal Highness's innocence; but, in such a case as this, the people are superior to their representatives. I believe I am not incorrect in asserting the proper criterion of public opinion to be the expression of sentiment at public meetings. A veteran Greek once observed "the Athenians *know* what is good, but the Lacedemonians *practise* it;" so the House of Commons *know* and confess that *they know* the Princess to be innocent, but they leave it to the PEOPLE AT LARGE to *practise* on that knowledge, they leave it to the municipalities, to meetings such as this of which I trust England will never be deprived, to convey to the ear of her Royal Highness the honest effusion of their loyalty, the warm expression of their affection in the cause of innocence, of virtue, and of truth.

Now my lord I beg to remark, it is not because this is the case of an injured female, it is

not because this is the case of an illustrious Princess, that I claim your lordship's attentive consideration; it is not because the blaze of royalty encircles her brow, (though with a diminished lustre,) it is not because she is nearly related to the Sovereign of these realms, or that she is the mother of our future Queen, that I so strongly demand the expression of your lordship's indignation at that conspiracy which involved the character and the life of a defenceless woman; but it is because the mode of trial was contrary to her express desire of a PUBLIC INVESTIGATION, because it was, as the learned counsel has plainly proved, an imitation of a star-chamber inquisition, unknown I assert to the existing laws of this country, that it is the duty of every freeborn Englishman, of every *spirited descendant* of those who fought in the fields of Agincourt or of Cressy, to assert by their congratulatory address their full conviction of her Royal Highness's innocence, and their indignant contempt for those base accusers, who were for a time triumphant, triumphant against whom—a helpless woman.

While we bend with submission to the existing laws of our country, no man with a truly British heart will yield from motives of sordid fear to an acknowledgment of that power which shall *secretly* examine evidence on oath to destroy the life or to injure the character of

any individual, and where the verdict of an acquittal shall be accompanied by an *insinuation* which inflicted, for a series of years, all the severity of ignominious disgrace from what is now proved to be **UNMERITED SUSPICION.**

Thanks to the Constitution of this country, thanks to the spirit which we inherit from our ancestors, the moral sense of *right* and *wrong* still exists in the breasts and animates the deliberations of an independent people:

“ It is the solemn institute
Of laws eternal whose unalter'd page,
No time can change, *no copier* can corrupt.”

Far from the lure of courts, far from the cabals of courtiers, the *middle class of society* is the grand depository of PUBLIC VIRTUE, and when courtiers or senators shrink from the fulfilment of their duty, the voice of the nation expressed by that class gives energy to our councils bravery to our armies, and virtue to such meetings as this to redress the wrongs of the oppressor. To this voice of the nation the Princess has appealed, and her appeal has not been in vain.

Her Royal Highness is descended from an illustrious parent, who fell in the glorious contest for the liberties of Europe. Her youthful days were spent in bowers of pleasure and of peace, until she was invited to this country as a lovely sacrifice to that *absurd state policy* which for-

bids the matrimonial union of our princes with our nobles. I trust the time will come, when some virtuous legislator will move for a repeal of that State policy which I affirm to be contrary to the laws of NATURE contrary to the laws MORALITY. By this policy the daughters of our Sovereign, lovely and accomplished as they are, are almost inevitably doomed to *a life of solitary grandeur*, and our princes of the blood are almost irresistibly tempted to give *a fashion to vice* by displaying splendid examples of disgraceful debauchery. Under this policy she was introduced to this country, not merely to be the consort of the most accomplished, the most attractive, and the most finished gentleman of the age, not merely to marry his Royal Highness the Prince of Wales *as such*, but to marry him as the *Heir apparent to the dominion* of the British Islands, leaving her family her youthful friends, and her kindred nation she acquired a title to the protection, not only of her royal husband, whose ear in the flattery of courts might be abused by those whose hearts are steeled with ambition and intrigue; but she also acquired a claim to, and has ultimately found protection in, the unadulterated, the conscientious LOYALTY OF AN ENLIGHTENED PEOPLE.

Until she made this appeal, did she meet with that justice which the wife of the meanest individual ought to have obtained? Those who, by

slight surmises first attacked her reputation, were not content with a moderate degree of calumny. Perhaps they thought that

“ Cowards in ill, like cowards in the field,
Are sure to be defeated. To strike home
In both is prudence.”

But now they have reason to recollect what they at length discovered, that innocence has a SPEAR to assail as well as a SHIELD to protect it.

What would any individual of this meeting feel, what would you my lord feel if some pretended friend was to treasure up all your unguarded expressions for the purpose of misrepresentation, add meaning to words never intended to be so understood, and after additions and inventions of the most diabolical malice, convert your *acts of generous charity* into *accusations of crime*; if this fiend-like friend should at last come forth with open malice with your own servant suddenly brought forward to charge you with the crime of treason and threaten you with death, what would be your horror in such an unexpected dilemma, what would be your conduct on such occasion? Horror indeed the Princess felt in the extreme such as you would feel. Her conduct in many years' suffering from this cause has been as pure as driven snow. With the patience of a Christian she supported

herself in the consciousness of innocence, but with the magnanimity of, a Princess she disdainfully repelled the ignominious accusations of a *secret inquiry*.

“ Not the whole warring world combin’d against her,
Its pride, its splendour, its imposing forms,
Could bend to mean compliance an injured woman.”

She demanded an inquiry the most rigorous inquiry, but not the inquiry of a *star-chamber inquisition*. She demanded a legal trial in which she might be confronted with her accusers, in which her “ suborned traducers” might be *openly* not *secretly* examined. This was refused her, and after years of solitude and misery the separation from her daughter was the acme of injurious treatment. Then the feelings of the mother could no longer be restrained, and she appealed to the nation at large. She addressed a letter to the Speaker of the House of Commons, who honourably read it in his place. We all know that in the the House of Commons to vindicate the wrongs of this Princess could not be the road to ministerial favour; but there is in that House a patriot band, and in that band a man

“ Whose nature is too noble for the world,
Who would not flatter Neptune for his trident,
Or Jove for his power to thunder.”

Mr. Whitbread assisted in the full clearance of an injured female's character; he followed her accusers through all their *subterfuges* and paltry *explanations*; destroyed the snares they wished to leave insidiously to lurk against her reputation; and finally proved her to be, as I before asserted, *pure as the driven snow*.

To the gentle Lord Ellenborough's delicate sensibility for his own character, which impelled that noble Lord's dignified exclamation of "false as hell," Mr. Whitbread calmly replied by expressing his determination for FURTHER INQUIRY, and manfully resisting the tumultuous demands of those who insisted on an instant *disavowal* of his documents instead of such disavowal he soon proved to the House the perfect *purity* of the source from whence he had derived his information.

I beg to remind you my lord, that the FAME OF GREAT BRITAIN depends not on the particular deeds of the renowned but on the public spirit of the great body of the people, which incites to action and gives the best reward to conquest. Our greatness does not arise merely from the valour of a Nelson or a Wellington, or the intellect of a Bacon or a Newton, but from that love of honour and that generosity of spirit which stimulate the valorous to fight and the philosopher to study. The same generosity of spirit actuates our common soldiers and our common

sailors, and in every part of the world designates the character of A TRUE-BORN ENGLISHMAN. To that generosity of spirit, to the noble hearts of the people at large, the Princess has appealed, and her wrongs still vibrate on the nerves of every Briton.

If a charge is made against the meanest individual of this city, the expulsion of the bill of indictment, or in other words the acquittal of the grand jury, is a *full clearance* of the character of the accused; so that except it be in cases where people go before a magistrate to *swear* what they dare not afterwards come into court to *prove*, the trial by the jury is the protection of every Englishman.

Your unanimous Address this day will hold forth to all England a moral lesson; for, in almost every market-town as well as in courts, there are silly couples who profess friendship for strangers, then basely desert and desperately hate those whom they have villainously *traduced*. The misery of this Royal Stranger was not sufficient to glut the vengeance of her unprincipled calumniators—they aimed destruction not merely at the *happiness*, but at the very *life* of their innocent illustrious victim.

'Tis true her character is now cleared, but how has it been cleared? Not through the delicate sensibility of my Lord Ellenborough, nor from

the tardy, the unwilling, the long-protracted testimony of my Lord Castlereagh; but from the EVERLASTING LAWS OF TRUTH, in strong reliance upon which, she confided in the integrity of the people, and every honest man will be now united to restore her to her proper rank in public estimation.

This congratulatory Address is also required as a testimony of her Royal Highness's innocence to prevent future dissensions with respect to the SUCCESSION TO THE CROWN; and every British subject who professes loyalty should not hesitate to give this *proof of the sincerity of his profession*, though it may not perhaps lead him in the path of interest, or to the road of ministerial patronage. A NATION'S LOYALTY thus expressed will teach our future sovereign the Princess Charlotte, whose virtues are reported to flourish in the rich soil of a truly British spirit, when her illustrious parents are no more, will teach her to rule the people by the people's love, and on the LAWS OF TRUTH preserve the COUNTRY.

After the Address had been unanimously agreed to, Mr. Stapylton expressed his opinion that it became the dignity of this ancient city to depute the Lord Mayor, or one of the Aldermen, or some other gentleman to take this Address to London, and to accompany the Members for

York in delivering it to the Princess of Wales, but as some gentlemen experienced in the usages of the city thought otherwise, he should make no motion on the subject.

Ulterior proceedings took place throughout the country when this lady, as Queen of England, was brought to a trial, which certainly never proved her impropriety of conduct in any degree to the extent of the crimination asserted in the opening charge of the Attorney-general.

Of those who had the opportunity of witnessing the proceedings in the House of Lords, men the most eminent for goodness and ability were certainly, at the end of the trial, divided in opinions. I took no share in any public meetings on the subject.

The heart of his Majesty, I can assert from my own personal knowledge and experience, when an officer in his regiment, the 10th Light Dragoons, thirty-five years ago, is truly generous, and as royal as his station; if any error was committed in the prosecution of the Queen, it was that of his advisers, and not of the King.

A SPEECH
ON THE MORAL STATE OF INDIA,
AT THE
YORK AUXILIARY BIBLE SOCIETY,
ON THE 25th of JANUARY, 1814.

Φύλλα και ὁζονες
Φυσει. αναθηλησει.

ADVERTISEMENT

TO THE FIRST EDITION OF THIS SPEECH.

THIS compilation of testimonies by which I have endeavoured to prove the existence of general depravity in British India, as an inducement to the conversion of the natives by the introduction of the Holy Scriptures, is published under a persuasion, that it may lead some few individuals to the perusal of more perfect productions, to a more accurate inquiry, and to a more extensive examination of those authorities which could be only briefly stated in this address to a popular assembly.

Nor in the submission of my observations to the possibility of merited censure do I incur any danger proportionate to my desire to be humbly instrumental, amidst abler and better advocates, in exciting a deeper degree of general interest for the welfare of sixty millions of our fellow-subjects.

HELMLEY LODGE, February 1, 1814.

MORAL STATE OF INDIA.

MR. VICE-PRESIDENT,

It devolves upon me to propose a Resolution for acceptance, in which I anticipate unanimous occurrence, in respect to the important and the beneficial services of those gentlemen who are the subjects of this Resolution.

In the formation of the York Society, powerful assistance was derived from the patronage of our Honourable President, whose unavoidable absence we all deplore, from the patronage of yourself, Sir, and the other Vice-Presidents, and from the active zeal of several Members of the Committee, amongst whom, can never be forgotten the services of that most respectable Society the Society of Friends, who disclaim all worldly distinction but the pre-eminent distinction of doing good, for they are always forward and active in plans of humanity and benevolence.

But, as soon as the formation of the Society was completed, the principal labouring oars of exertion were then happily confided into the hands of Mr. Gray and Mr. Graham, who in their acceptance of the office of your Secretaries were animated by higher hopes than the hopes of human praise, but in their execution of its duties have justly merited the honour of your continued applause.

To the transcendency of their ability, to the unceasing activity of their industry, and to the christian-like urbanity of their manners from my own personal knowledge not only in your Committee, but in having witnessed the formation of the Easingwold Society, I am enabled to bear my independent testimony.

It is true the Kingdom of Christ is not of this world, and it becomes not the tenants of a day in a perishable habitation to be too anxiously desirous to obtain, or too much gratified in the acquisition of worldly reputation; but for services such as these, for exertions so virtuously disposed, for labours so eminently successful, it is our duty to offer the meed of heart-felt approbation,

I therefore move, Sir,

That the Thanks of this Meeting be given to the Secretaries, for their continued attention and exertion in the discharge of their Office.

(After this Resolution had passed unanimously,
Mr. Stapylton proceeded.)

At the last Anniversary of this Institution, I expressed, Sir, my firm conviction, that the Bible Society was the grand hope of suffering humanity as the means of ultimately producing Universal Peace.—In the line of my argument I then followed the path to which I was led by a hint from a reverend and learned friend, now present, who termed it “the Grand Pacifier of Europe.”

But at that time it must have been either an inspired or a very adventurous prophet who could have foretold the great events which have since taken place.

The late rejoicings in this City displayed a laudable sympathy in the glorious cause of a Nation’s Emancipation; but what is the emancipation of human beings from the power of a Tyrant, whose bloodiest inflictions can only add to the miseries of a short and precarious existence, compared to that joyous Emancipation of all Mankind from the Tyrannies of Sin and of Death, which the efforts of the British and Foreign Bible Society are unceasingly directed to accomplish?

Their dispersion of the Holy Scriptures into every part of the inhabited Globe, will teach benighted Heathens to extend their hopes beyond the reach of animal enjoyment, to consider themselves destined for immortal life, and to feel

themselves endued with a capacity for eternal happiness.

It is not long, Sir, since the present ruler of France lamented the power of England in forming the opinions of the world; and it occurs to me, that no inconsiderable share of the merit of the present favourable change of opinion on the Continent may be justly ascribed to the generosity of this noble Institution; for at a period of impending danger, when that assailing and then successful conqueror threatened England with invasion, when scarcely an Ambassador graced the British Court, deserted by the world but not by the Almighty, the people spontaneously armed to protect their altars and their liberties; yet in the midst of their dauntless resolution to await the foe, philanthropy was still the national characteristic, and in the midst of feelings of anxiety for their own situation they spared from the pitance which necessary sacrifices had left them sufficient in the aggregate to constitute a noble benefaction for the purpose of consolation to their prisoners and civilization to people yet unborn.

It is thus, Sir, that superior to the selfish politics of the states of antiquity a truly Christian nation equally energetic in its resistance to oppression in and the enlargement of its charities to all mankind arrives at the pinnacle of human glory,

and will to the latest ages stand on the firm rock of the Divine protection.

The untutored savages suppose that the sun shines only for themselves, and that the ocean waves neither pearls nor coral to any other shores than those which bound their own terrestrial view; but the God of nature has largely dispensed the blessings of his creation, and with inscrutable wisdom he permits the most favoured of his creatures to work out their own salvation by exemplifying their faith in plans of comprehensive benevolence, by the communication as well as by the preservation of religious knowledge.

It is the glorious object of this Society to disseminate the pure doctrines of our holy religion to the whole human race of which the most considerable portion is as yet in a state of deplorable ignorance: but I beg to impress on the minds of the individuals who now honour me with their attention, that it is more particularly the indispensable duty of this country to convey the glad tidings of the Gospel to those who are of their own household, and it cannot be too often or too forcibly recalled to our recollection, that there are in India sixty millions of our own fellow subjects who are still in the lowest state of barbarism and moral degradation.

Formerly, Sir, there were men who argued that the Slave Trade added to the sum total of hu-

man happiness ; and there have been found men even in a British House of Commons who have ventured to assert, that the morals of the Hindoos are more pure than our own.

The documents which have been lately produced before that honourable House have sufficiently proved the futility of such assertions. In alluding to these documents, let it not for a moment be supposed that I am actuated by the base motives of those who vainly strive to increase their own estimation by the degradation of their fellow-creatures, or that any but the purest sentiments of benevolent regard to the unfortunate objects of a degrading superstition could induce me to add my feeble voice in giving publicity to a nation's debasement.

To you, Sir, and to many of my learned Friends around me I must apologize for an encroachment on your time by a painful though it shall be a hasty recital of testimonies already known to you, indisputable authorities from the highest in the Government and Judicial Department of India which will prove to those not so informed that the whole mass of population in that country is devoid of truth and of honour.

Four hundred years ago an unfavourable character was given of India by its great conqueror Tamerlane, who described the natives of Hindostan " as having no pretensions to humanity

but the figure, whilst the imposture, fraud, and deception were considered by them as meritorious accomplishments."

But to revert to modern times. In the Report of the excellent Society for Promoting Christian Knowledge for the Year 1799, there is a letter from an honourable gentleman in India, asserting, that "he never met with one of the unconverted natives who would not break an oath without scruple, provided that the crime could be effected without punishment, and produce a profit."

Of the historians I will only cite one authority; Mr. Orme, in his History of India asserts, that "the Gentoos are infamous for want of generosity and gratitude in all the commerces of friendship; that they are a tricking and deceitful people in all their dealings." He affirms, "that all offences may be expiated by largesses to the Brahmins, according to their avarice or sensuality." The East India Mahomedans he accuses of "a domineering insolence, inhumanity, cruelty, murder, and assassination, and an insensibility to remorse for these crimes."

The Governors of India are as unfavourable as the historian: Governor Holwell, describes "the whole race to be utter strangers to common faith and honesty, in which censure he includes the Brahmins or Priests." He asserts "that scarcely a murder came before the Judicial

Court but it was found that a Brahmin was at the bottom of it."—Governor Verelst gives the same kind of unfavourable testimony. Lord Clive mentions them "as having no regard to any obligation." The Noble President of our Parent Society, Lord Teignmouth, describes the nation "as wholly devoid of public virtue. To lie, steal, plunder, ravish, or murder, are not deemed sufficient crimes to merit expulsion from society." Sir John Macpherson, who was also Governor General gave a similar unfavourable opinion. Lord Cornwallis practically proved that he possessed it, for he never employed an Hindoo about his person above the rank of a menial.

We will now pass from the Governors to the Judicial Department.

Sir W. Jones was forced reluctantly to confess their general depravity.

Sir James Mackintosh lately returned from the Bench at Bombay, accuses them generally of a crime "the most base, the most cowardly, and the most destructive to social order. Other crimes more daring and more ferocious may be more horrible to the imagination, but none are more destructive to society than the crime of perjury."

My Lord Wellesley sent circular interrogatories in answer to which Mr. Colebrook, one of the judges mentions, that "to such an acme of

audacity had perjury reached, that total distrust of human testimony was the consequence. No rank, no caste was exempt from the contagion. A Brahmin who had positively and circumstantially sworn to the murder of two men scarcely blushed when the two men were produced in court alive and unhurt, but merely alledged, that he should have lost his employment if he had not so sworn."

Another judge Mr. Paterson declares "their minds to be totally uncultivated; of the duties of morality they have no idea; they possess in a great degree that low cunning which so generally accompanies depravity of heart. They are indolent and grossly sensual, cruel and cowardly, insolent and abject. They have superstition without a sense of religion. They have all the *vices* of savage life without any of its *virtues*. In the higher ranks there is the same total want of principles with a more refined cunning, no attachment but what centres in self, for the ties of relationship serve only to render inveteracy more inveterate."

We will now proceed to the Court of Directors themselves, who in a judicial letter so lately as the year 1806 thus express their sentiments: "The nefarious and dangerous crime of perjury still prevails, so that the judge receives all oral testimony with distrust." They then go on to remark on the cause of this moral degradation

which is particularly applicable to my argument. They ascribe the cause “to the degraded character of their deities and to the almost entire want of moral instruction among the natives.”

I shall not detain you, Sir, by adverting to that hereditary tribe of robbers in India, where robbery, murder, and assassination, are not the worst crimes in the disgusting catalogue of their enormities; nor need I advert to the vice of polygamy, nor to the burning of their women, nor to infanticide, a crime which still exists in every country where Christianity is not introduced, nor to their sacrifice of human beings to their idols, of which one hundred thousand human lives are said to be annually expended in the service of a single idol, the idol of Jugger-naut.

So truly is every vice comprehended in the crime of idolatry—to use the expressive words of Tertullian, “Idolatriæ crimine expungitur.”

After these incontrovertible testimonies, and they are only a small portion of what I might adduce, I should insult the understanding of this respectable auditory if I doubted their readiness from political as well as from benevolent motives to introduce into India that blessed code of morality which has never failed to ameliorate the condition and to correct the depravity of every nation in which it has been established.

The Christians have always been described as

possessing in every country superior virtues. "In Parthia," says Eusebius, "polygamy is allowed and practised, but the Christians of Parthia practice it not. In Persia the same may be said with respect to incest. In Bactria and in Gaul the rights of matrimony are defiled with impunity. The Christians there act not thus. In truth wherever they reside they triumph in their practice over the worst of laws and the worst of customs."

Before the British and Foreign Bible Society existed the late Sir W. Jones expressed his opinion, that the natives of India might in time be converted merely by the translation and distribution of the Holy Scriptures among them. It would not be correct at this meeting to descant on the merits of the Missionary Societies however highly I do esteem them: I am simply pleading the cause of our own society, the grandest of all possible institutions, and by whose distribution of bibles the missionary and all other religious societies will be in a considerable degree supported.

The utmost liberality has been manifested in its conduct to the deluded natives of Hindostan, and I confess Sir I have no very high opinion of the views of any society, or of the intellect of any man who after due reflection can be quietly indifferent to the moral state of sixty millions of our own fellow-subjects.

It is true we have already granted them a right to hereditary property so that now the man of small landed possessions is as secure as those of large estates ; but narrow must be the philanthropy of that politician who can be solicitous for the civil rights and the temporal possessions of mankind, if for their religious improvement and their eternal welfare he employs no measures and professedly feels no concern.

To what nobler purpose can the charities of an enlightened nation be directed than in the propagation of its religion wheresoever its laws are obeyed. To use the words of a celebrated Divine “ if it seeks to protect and not to impoverish, if it desires to govern and not to enslave it will be equally intent to diffuse among its subjects the rights of Freedom and the privileges of Christianity.”

Now, let us for a moment consider what is the superstition to which the natives of Hindostan are attached, and on the ruins of which it is our desire to plant our holy religion. In truth, Sir, they have above 3,300,000 Divinities, and these 3,300,000 Divinities are in general such monsters of lust injustice cruelty and wickedness, that their whole religious system has been properly termed by Mr. Wilberforce, “ one grand abomination.”

Their institution of Castes by which a large portion of the people is condemned to eternal

infamy is a most unnatural perversion of pride and prejudice. It is the glorious boast of the British Constitution that our laws are equal, and that the lowest individual by abilities and virtue may hope to soar to honourable distinction ; but the wretched Soodra in India is inevitably doomed to the most abject state of degradation without the possibility of acquiring either knowledge or independence.

I may venture Sir to affirm that not one general precept of wisdom, not one rule for the conduct of human life, not one discovery generally useful to mankind can be traced to that miserable Country, where passive millions drag on a feeble existence under the iron rod of idolatrous Priests with a climate similar to that of Paradise, and with a soil so spontaneously fertile that it seemed almost impossible for human neglect or even human malignity to have produced such general degradation, such complete distress.

Nor is there that danger to be apprehended from our Christian endeavours for their conversion, at which visionary minds might startle. Our power in that country is so great, that the very Idol, in whose service one hundred thousand lives are said to be annually expended, was seized by the Company's servants for the paltry payment of a pecuniary tribute.

Colonel Walker indeed was at first threatened if he continued his interference to prevent the

destruction of female infants ; they told him, " that the Iarejahs had been in the habit of killing their daughters for 4900 years." But his cause was too good, and his motives were too pure to be restrained by any opposition. And in the short period of three years the Iarejahs themselves brought their little innocents to his tent calling upon him and their Gods to protect, what he alone and not their Gods had taught them to preserve.

The benevolence of the Bible Society is however not confined to our own subjects. It knows no other limits than those which bound the human race. Prior to the existence of this institution the politics of European states too frequently debased into acts of dissimulation, had almost induced a belief that right and wrong, virtue and vice related only to individuals and not to societies. Men seemed to have thought that whilst individuals owed to each other affection and assistance, nations owed to nations insults and hostilities. But the British and Foreign Bible Society has proved, that nations can gladden the hearts of their enemies with a peace-offering of inestimable price, and can confer upon their Allies much more substantial benefits to immortal Beings than even the exportation of corn or subsidies by the liberal distribution of the Holy Scriptures without note or comment.

Nor have our enemies been deficient in duly

appreciating the merits of this institution, but I have trespassed too long on your indulgence. I fear you will not give me credit for the endeavours I have really made to compress my argument as much as possible.

I conclude with congratulating this respectable and numerous assembly that the time is fast approaching when the horrid infatuation of man's ambition shall no longer desolate the fairest scenes of animated nature, when the tyrant who sighs for the appellation of a conqueror or for the fanciful possession of what he calls glory shall no longer have the power to sacrifice his species to his vanity, but shall be deservedly classed by mankind in his just degree of inferiority to the beasts of the forest, who in the objects of their ferocity war not but on animals of a different species.

It is true the evils of desolation from the destructive ravages of man's passions are sometimes alleviated by that code which is called the Law of Nations, but the only rational law of Nations is *Universal Peace*. To promulgate that law, or rather under God's providence to lay the foundation of it is the glorious purpose of this noble institution whose cause I have weakly attempted to advocate, and in furtherance of whose views I most cordially and most respectfully unite with Christians of every denomination, joining in the general chorus, "*Glory to God on high, on earth Peace and good will to Men.*"

YORK GENERAL MEETING,

HELD ON MONDAY, FEB. 17, 1817,

TO CONSIDER

**THE MEASURES BEST TO BE ADOPTED IN THE PRESENT
ALARMING STATE OF PUBLIC AFFAIRS.**

YORK GENERAL MEETING.

THIS Meeting, which was more numerously attended than any similar one we ever remember at York, was opened by the Right Honourable the Lord Mayor, in a neat and appropriate address; after which Rich. Townend, Esq. the Town Clerk, read the requisition.

The resolutions were read and successively seconded by Mr. Hotham; who made a few remarks on each, expressive of his high approbation of their contents. He reprobated the conduct of ministers in supporting so large a standing army as they had done, in time of peace, and said he thought it "highly proper we should inform them, such conduct is **wrong**." On the 9th Resolution being read, Mr. H. said he entertained great doubts on the subject of Reform of Parliament; but he had seconded that Resolution with pleasure, since he had witnessed the mildness of its contents. Here the Guildhall rang with a universal cry of "**Parliament will never reform itself.**" The Alderman attempted

to proceed—He recommended mildness, but was again interrupted with the same exclamation as before. Silence, however, having been obtained, he observed, that the Resolution was so expressed, that it would not prevent future petitioning; and, therefore, when we found that mild language had failed, stronger language might be adopted. This remark was approved of by several, but when the Resolution was put to the vote, it was objected to by many, though it was eventually carried by a considerable majority.

A petition founded on those Resolutions, being read, and approved.

The Reverend Wm. Noddins came forward. He represented himself as highly favourable to the Resolutions and Petition, but moved that an Address to the Prince Regent should be prepared, congratulating his Royal Highness, on his late narrow escape from the danger to which "*his sacred person*" had been exposed. Scarcely had the reverend gentleman thus expressed himself, before the whole place echoed with a continued series of hissing, hooting, and other marks of displeasure.

The Lord Mayor requested the attention of the people, and earnestly recommended a patient hearing of what Mr. Noddins had to say, adding that they might adopt or reject his motion, as they should think proper.

Mr. Noddins then stepped forward again—and again the Guildhall rang with hisses, and shouts of disapprobation, by which he was induced to retire, and in the sequel to withdraw his motion.

Mr. Nicoll said, that though he extremely disapproved of all clamorous proceedings, he must observe, that this meeting had been called to Petition for Reform of Parliament and Retrenchment, he consequently thought this was not the time for a motion such as had been proposed.

Mr. Hotham also said, it was introducing business not intended at this meeting. He trusted that the citizens of York could not be surpassed in loyalty to their sovereign; but for the purpose of thus expressing that loyalty, a future meeting might be called.

Martin Stapylton, Esq: who had been greeted on his entrance into the Hall, with loud and repeated bursts of acclamation, finding that Mr. Noddins could not obtain a hearing, addressed the meeting; apologizing that, though a freeman, he was not an inhabitant of York or its vicinity; and, indeed, but from the gratifying reception with which he had been so unexpectedly greeted on his entrance, he should not have thought himself of sufficient importance to intrude his interference to obtain a hearing for his reverend friend.

An honourable Alderman considered it out of order to petition the Prince. He differed from

him. "Read the Requisition," said Mr. Alderman Hotham. "I have it in my hand for that purpose," continued Mr. Stapylton. "I observe, gentlemen, the Requisition to be most respectably signed by the mover of the Resolutions, and by six or seven Aldermen at the head of it. It contains three divisions, the first an invitation to the inhabitants, by which I confess myself an intruder, though a freeman. The second division contains a desire 'to show to the CROWN, and to the Houses of Parliament, the sufferings of the country and its wishes.' Is it then out of order to petition the crown?—and will you not hear my reverend friend on that subject? But in fact, can it be supposed, that the Prince, or that any man in either House of Parliament, is at this time ignorant of the present state of a suffering nation—and was it in truth principally, or in part, for their *information*, that this suffering assemblage of citizens is now collected?

"The learned mover of the Resolutions seemed to assume much merit to them from what he repeatedly called the mildness of their system—but for my part, instead of *mild*, I should venture to apply the term of *milk and water* to the Requisition itself and to the whole of the day's proceedings; for in the third division is mentioned an anxiety for '*other measures of reform*,' besides economy,—but the honourable Aldermen have not condescended to specify, whe-

ther by *other measures* they mean a PARLIAMENTARY Reform, or whether they mean simply a reform of themselves, as in future productive of a general reform of the nation. There is, indeed, a Resolution* founded on this paragraph, containing a gentle hint to the House of Commons for their own reformation. But, fellow-freemen, a reform in the representation of this city is a much more *specific subject* for the contemplation of the Aldermen of York and for the anxious desire of those requisitionists who really wish to obtain a national reformation. Gentlemen, I assert, that of somewhere above two thousand electors of this city, upwards of TWELVE HUNDRED FREEMEN receive at every election from the friends of either or both the candidates the INFAMOUS BRIBE OF A GUINEA to each individual.—And can you my friends, citizens of York, have the face to recommend to the people of England universal suffrage, annual, or triennial Parliaments, or even the GENTLE hints in this day's Resolutions, whilst your own ground continues to be stained by such base and by such general corruption.

“ If the poor freemen are to be deluded to the sale of their most valuable privileges, the sum of three shillings per annum, calculating the duration of Parliament seven years, is a very

* See the Tenth Resolution.

inadequate compensation for the guilt of the sacrifice, and for the loss of a freeman's best birthright an unbought choice in the representation of the people. I admit that your members are highly respectable and of much private worth, but the pillars of their exaltation are founded on the base of their constituents' corruption ; and think not, that in freedom of the speech with which I arraign their situation, I am merely actuated by a desire for my own personal aggrandisement. The representation of York in its present state is not the object of an honourable man's ambition, and I will never in my life obtain the representation of this or of any other place by *corrupting the morals* of twelve hundred in its population.

" Grateful to the inhabitants for having so frequently addressed them without a single dissentient voice from their indulgent favour, I wish to place this city in its due rank in the scale of the cities of England ; and I offer, therefore, a subscription of FIVE HUNDRED POUNDS, if the first seven gentlemen in the requisition, or any other seven gentlemen of equal respectability will subscribe not less than one hundred each to prevent the possibility of successful bribery in our future elections, and to return the present or some other members free of expense to the parties ; and to convince you that I have no self-

ish view, I am willing, if they desire it, to make it a condition of the association, that no subscriber shall himself be a candidate.

" Gentlemen, I have now started the game, pursue for your own, for your children's, and for your country's good. It is for you, and not for me, to determine whether in the future brightness of its example the city of York shall regain its ancient splendour, or whether the corporation shall gradually dwindle into a **FAMILY** borough, and its inhabitants confess the humiliation of their general corruption. And, now, I intreat you to hear my reverend friend's observations. **LOYALTY** is the inherent quality of a Briton, and it is not the general practice of Englishmen to condemn any man's sentiments unheard."

Here the Lord Mayor informed Mr. S. that the motion of Mr. Noddin's was withdrawn, and after some further observations, he concluded amidst general applause.

Thanks to the chairman were then moved, and unanimously passed, with great applause.

His Lordship politely acknowledged the honour conferred upon him, and again expressed himself ever ready to comply with the wishes of the people, in calling meetings at any future period. He observed, it was thought by some to be extremely dangerous thus to assemble the people together in times like these ; "but," added his lordship, "this sort of proceeding is conge-

nial with the constitution of our country; it, therefore, shall always meet with my approval; and, in the performance of my duties, I hope ever to deserve a continuance of your approbation."

The Meeting now broke up, about half-past two, and in the course of an hour, the streets were still as usual, and every part of the city was the same as if no meeting had been that day assembled. A striking proof of the groundless cause of pretended fears of irritation; and a powerful instance of the fallacy of such objections to the exercise of this constitutional privilege.

It is here worthy of remark, that not one of the anti-requisition gentlemen appeared at the Meeting to attempt, as was naturally expected, a manly vindication of their conduct.

The Petition, which was left at the Guildhall for signatures, has already received more than one thousand three hundred signatures, and will soon be forwarded to the representatives of the city.—*From the York Herald, 1817.*

It is for the freemen of York to regret with shame, that though eleven years have nearly passed or more, the bribe of twelve hundred or more at each election still continues.

Jan. 16, 1828.

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PURITY OF ELECTION.

NORWICH MERCURY.—1818.

In the year 1828, I recollect, though ten years have expired, the pleasure conferred by the manner in which the Editor of the Norwich Mercury to whom I was then and am still personally unknown, alluded to my publication to the Free-men of York, resident in Hull. To have our exertions so honourably noticed by perfect strangers, where no partiality can exist, is the best encouragement to excellence; and though I fear I have made little progress in knowledge or ability, I do feel that I have not deteriorated in principle since that period.

Norwich Mercury.—Leading Article.

“ The new elections are still the common centre of all thoughts. The attention we have given to the proceedings of former dissolutions, we are free to confess was considerably less intense and curious than the glance of enquiry we have bestowed upon the present occasion; and whether

it is that we attribute to others the increased interest we ourselves feel, or whether the fact be as we conceive it to be, we should scarcely venture to pronounce; but we certainly imagine that a much more universal excitation prevails, and that the regard to the principles and characters of those who offer themselves to choice, is more general and severe than heretofore. That the candidates themselves are rendered more scrupulous and wary with respect to the employment of the usual modes of corruption, by the late acts touching elections, there is no doubt; but regarding the press as the organ of opinion, we perceive in the multitude of anonymous and other addresses circulated among the electors of the kingdom, a degree of spirit, judgment, and independence, which is eminently characteristic of the improvement as well as of the diffusion of knowledge and of the habits of intellectual cultivation among the whole people.

In many of them will be found a boldness of opinion that discloses very deep and fearless designs. Of this cast is one before us, signed an Elector of Aylesbury. "Do not hesitate," says the writer, "because timid imbecility shudders at the prospect of a change which may hereafter be accompanied by convulsion; the bulwarks of English freedom were reared amidst the tempest of revolution; the reformers of Runnymede were irresistible, so were the re-

formers who opposed the despotism of Charles ; and the reform of 1688 would have been more brilliant, had not guilt and cowardice hurried James into voluntary exile." It is easy to understand the catastrophe which this gentleman considers to be wanting to the brilliancy of the great establishment of English liberty ; and it is easy, also to estimate to what extent the nation at large is disposed to treat the ultra-reform of such revolutionists. We point these differences out, not as charging them upon the legitimate advocates of reform, not upon such men as Lords Grey and Erskine, Sir Samuel Romilly and Mr. Wm. Smith, but as completely distinguishing the low and vile rabble of that " litter of libellers," whose engines of disturbance are the tumultuous meetings and clubs of the poorer class, whom they delude by factious harangues and factious publications — whose logic and imagery are made up of vulgar political slang and malicious personal abuse. On the other hand, on the side of the devoted adherents of the present weak and miserable administration, the substitution of a cant not less detestably mean, false, and dangerous, is equally perceptible. Both these extremes are branded, indelibly branded, by the violence and the virulence of the terms, they employ, and by the incessant repetition of the same mutual charges and recriminations, in the same poverty of language.

In the space however between these combatants there is a large and noble field, upon which we are glad indeed to see appearing on every side the upright champions of independent principles—men who disdain to sell their right of judging (as all political propositions must be decided upon) by the circumstances of the time, either to the minister or the mob. And it is a curious fact, that these men are principally to be found among those who sit for boroughs, and whose members have been said with much truth, to be almost the only independent members of the House of Commons. This may be unpalatable doctrine both to the court and the people parties, but it is nevertheless true in the main. We shall conclude our brief observations by a short quotation from the answer of Mr. Stapylton of Myton Hall Yorkshire to an address from an associated body of freemen at Hull, which (although we differ upon some articles in the creed of politics,) we think breathes as proud and as pure a spirit as any that have met our eyes, and we cordially wish it may sink into the hearts and understandings of a good portion of our readers.”

[*Instead of a quotation, which was nearly the whole of the second letter, I print the two letters to the freemen.*]

DETERMINATION NOT TO BRIBE.

To the Freemen of York, resident in Hull.

GENTLEMEN,

I thank you most heartily for your liberal and truly Constitutional offer of voting for me without the inducement of remuneration, or as you equivocally express yourselves in your second letter, "without receiving any thing in the shape of a bribe."

Such an offer, however humble may be my qualifications for Parliament, reflects greater lustre on the privileges of electors than all the splendour with which corruption can be surrounded; for it proves that there are still a few who in their exercise of an unbought choice of the Representatives to Parliament adhere to the plain principles of duty to their country and to their God, evincing regard for the RIGHTS of a loyal people, and respect for the *sanctity* of a FREEMAN'S OATH.

If ever I aspire to Parliament, it must be in direct obedience to the plainly expressed wish of my constituents at large—but I cannot refrain from assuring you a portion of the electors of York, that your disinterestedness excites my admiration, your partiality gratifies my pride, and your example stimulates me to a perseverance in the path of manly independence.

I am, Gentlemen,

Your obedient servant,

M. STAPYLTON.

Myton Hall, June 9, 1818.

SECOND LETTER.

To Mr. Thomas Banks, Chairman of the Association of the Freemen of York, resident in Hull, in answer to their unanimous solicitation to become a Candidate for the representation of the City of York.

Myton Hall, Yorkshire,
May 20, 1818.

SIR,

I have this day received a communication from you, as Chairman of a numerous Meeting of the Freemen of York resident in

Hull, containing their unanimous offer of support to me, if I become a Candidate for the representation of the City of York.

As I was not apprized of your Association till I saw it yesterday advertised, and have not the pleasure of personally knowing any Freemen resident in Hull, I attribute the honour you have conferred upon me to my well-known abhorrence of the infamous bribery of both parties at all the late elections for York, by giving one guinea each to 1,200 Freemen. The acceptance of a bribe for a vote is an offence at which our fore-fathers would have shuddered, which no ingenuous sophistry can palliate, and from which every honest man should with horror recoil.

Under the present system the principal qualification in a candidate for Parliament is the length of his purse, or the folly with which he squanders its contents. In an opposition for York founded on such qualification, I have no desire to be a party. It is true, that I have fortune sufficient to be an independent member of the senate, if I could honourably become so; but with my estate, I inherit from my ancestors some portion of that spirit which existed in times less corrupt than the present, and I feel no inclination to expend ten or twelve thousand pounds in what would be to my family an *injurious*, and to myself a *dishonourable* contest.

The present representatives for York are men for whom I have the highest personal respect, and I have no reason to believe that the citizens at large desire to change them. If either of these members, or if any stranger of consideration would pledge himself to hold no friendship with any person, who before or after the election should bribe on his account, for either of the members so pledged, or for a stranger so guaranteed, I would give my disinterested vote and influence.

But as for myself, when at the Guildhall I declared that I would never be instrumental in corrupting the morals of any population, I was aware that to the pride of that declaration I sacrificed all expectation of personal advancement in the career of political celebrity; nor am I Sir so constituted as to become the slavish adherent of any party, whether it be of the designation of the Whigs or of the Tories.

The minister of the day when he consults the true glory of the people as in the peace of Paris and in the abolition of the Slave Trade would have my approbation; but in such acts as the suspension of the Habeas Corpus, and the renewal of the Inquisition on Income, he would have my determined hostility—and much less could I ever coincide in the pretended patriotism of those who whilst they profess the principles of

Whiggism, yield to all the seductions of Parliamentary intrigue.

An uniform adherence to any administration cannot be expected from him, who considers it the duty of a representative of the people to vote distinctly for *measures*, and not for *men*, and who in his endeavour to uphold the pillars of Church and State would watch with jealous scrupulosity the public expenditure; and would strive to curtail the miseries of a suffering nation by extending the boundaries of their expiring liberty.

But when flattery is the characteristic of loyalty, and when faction shelters itself under the pretence of patriotism; when religious opinions are broached for political purposes, and Bible Societies are calumniated as political engines; and when on the other hand anarchists libel the highest authorities of the State under the mask of a charitable subscription for the blasphemers of our liturgy—in despair I leave the palm of Parliament to other and to abler men; for I feel that I possess neither the attainment to *demand*, nor the pliability to *solicit* a seat in that constitutional fabric, which like the tower of Pisa seems in every sessions to totter over its base, but like that bending tower may still exist for ages even on the perishing foundation of the people's rights. With

grateful acknowledgements to yourself and all the members of the association,

I am, Sir,

Your most obedient servant,

MARTIN STAPYLTON.

To Mr. Thomas Banks, Chairman of the Committee of the Freemen of York, at Mr. Stubb's, Blue Bell, High-street, Hull.

AT a period of life when there is little or no probability of my entering the House of Parliament, I reflect with high satisfaction on those principles which curbed my ambition. By the expenditure of ten or twelve thousand pounds, I might possibly have represented the city of York; but, in addition to the inconveniences which that expenditure might have occasioned, I should have been pained by the consciousness that I had committed a crime in the bribery of the Twelve Hundred. Surely the time will come when senators will consider themselves disgraced by a contempt of those laws of common honesty which less dignified persons are compelled to observe.

REPRESENTATION OF PONTEFRACT.

From the York Courant.

IN consequence of a letter from J. A. Forrest, Esq. of Pontefract, directed to Martin Stapylton, Esq. at Myton Hall, and which was forwarded to him at Bath, Mr. Stapylton sent the following answer :—

Bath, January 30, 1826.

SIR,

I have the honour to acknowledge your letter, expressing the request of several hundred electors of Pontefract, that I should offer myself to represent that Borough at the general Election. The terms of the requisition which you state to be in your possession, must more particularly determine the propriety of my accedence or discordance to the furtherance of their obliging intention. I consider that the exclusion of Catholics from the high offices of state, is the most important branch of the Revolution of 1688, by which our Sovereign is entitled to his Crown; and that the continuance of slavery in our colonies, is inimical to the

interests of the slave-owners, and an outrage on the dignity and the religion of a free country; but to obtain a place in the legislative councils, I can never consent to corrupt the morals of any population by bribery at elections. After this explanation I shall be proud to receive from the Electors of Pontefract, such reciprocity of mutual opinion, as may lead them to confirm or to retract their present honourable suffrage in my favour. I beg to express my thanks for the kindness of your communication.

I have the honour to be, Sir,

Your most obedient and faithful servant,

MARTIN STAPYLTON.

To J. A. FORREST, Esq.

I BEG to add, that though Catholics should be excluded from the highest offices, the Catholic Bill should pass with proper securities. I have given much consideration to the subject, and such is my present opinion, January, 1828.

The Reply from Mr. Forrest.

Pontefract, Feb. 2, 1826.

SIR,

I have had the honour to receive your letter of the 30th ult. which was laid before the Electors of Pontefract, and I am proud

and happy to say, that it was hailed with general acclamation. The manly and independent principles which you avow, are precisely *in unison* with those of a most *decided majority* of the electors, and I have not the slightest hesitation in repeating, that your triumphant return to Parliament, as one of our representatives, is absolutely certain. I take the liberty most respectfully to suggest that your very early appearance in Pontefract is highly desirable; and I shall be happy to learn from you, by return of post, on what day we may hope to have the honour of seeing you. It is the full intention of hundreds of electors to meet you at Ferrybridge, and to conduct you to Pontefract. An intimation therefore to me of the time when you will be at Ferrybridge, will confer a great and additional favour upon the electors.

I have the honour to be, Sir,

With the greatest respect,

Your very obedient humble servant,

J. A. FORREST.

To MARTIN STAPYLTON, Esq. Bath.

Mr. Stapylton's Answer.

Bath, 6th Feb. 1826.

SIR.

I have this day received your letter, and though I had intended to have remained here with my family till the March Assizes, I have no hesitation in determining that a sense of gratitude for the distinguished honour which your correspondence conveys to me, requires my immediate compliance with the request of the electors of Pontefract, to pay my personal respects to them. I intend to sleep at Doncaster on Sunday next, and hope to be at Ferrybridge by twelve o'clock on Monday morning. Excuse the haste with which I write, as the post is going out,

I have the honour to be, Sir,

Your most obedient and obliged servant,

M. STAPYLTION.

The above letter was immediately circulated in the form of a hand-bill amongst the electors, prefaced by a short address by Mr. Forrest, wherein he expressed a hope "that on Monday morning they would assemble in overwhelming numbers, and conduct Mr. Stapylton into the town in triumph."

Mr. Stapylton arrived at Doncaster on Sunday at two o'clock; soon afterwards Mr. Forrest, who had been in London, called on him in his road by the coach, but could give him no information of the proceedings at Pontefract during his absence. Two gentlemen, about five o'clock, came from Pontefract, and it appeared, that the requisition alluded to in Mr. Forrest's first letter, and in Mr. Stapylton's reply to it, *had been laid aside*—no Committee had been formed. Mr. Stapylton arrived at Ferrybridge about two hours before the hour appointed for the meeting on Monday, and from thence sent his steward with a polite letter to Mr. Forrest, at Pontefract, declining, in consequence of the requisition not having been proceeded with, either to offer himself a candidate, or to attend the meeting.—*York Courant.*

IN fact, Mr. Stapylton was informed by the two gentlemen deputed, who met him at Doncaster, that the freemen of Pontefract *expected to be bribed*, and the subsequent election with other candidates verified or falsified their expectation, to the continued demoralization of the borough if bribery was, at the last election, according to the custom of all former elections, the order of the day.

ON THE MANCHESTER AFFAIR.

A LETTER

TO THE

RIGHT HON. EARL FITZWILLIAM.

Myton Hall, Yorkshire,

Oct, 25, 1819.

MY LORD,

I am apprized by the Times of the 23d instant, which this day's post brought to me, that the Ministers have disgraced themselves and alarmed the country by the dismissal of your Lordship from the office of Lord Lieutenant for the West-Riding of Yorkshire in consequence of your having signed the late County Requisition, and attended the late meeting at York.

As one of the Magistrates of the North-Riding, and as one of the Requisitionists, I am eager to participate in any presumed disgrace which the infatuation of a desperate administration may inflict on those who doubt the lega-

lity of the conduct of the magistrates at Manchester, and the propriety and humanity of the royal letter of thanks addressed to them.

Surrounded by men of higher rank and influence at the County Meeting, I did not then take a prominent part by addressing the multitude so constitutionally assembled ; but if such men as your Lordship of perfect estimation in private character, and of such indisputable consideration in the Country as your rank, your property, and your long life of parliamentary opposition to the encroachments of arbitrary power entitle you to, if such men are to be removed from the high offices of the magistracy for the simple offence of demanding a parliamentary inquiry, it becomes the province of every lover of his country's freedom to express, however humble his station, his decided abhorrence of a system which seems to sport with the feelings of a generous and a loyal nation.

Consequently, in my situation as a county magistrate, cheered as it has been by the satisfaction of having benefited my neighbourhood by the impartial administration of justice where no other magistrate resides, I am ready to relinquish the performance of those duties which I have never yet found irksome in preference to a tacit submission to the subversion of the laws and privileges of my country ; and this readiness I shall communicate to Mr. Dundas the

chairman of the Quarter Sessions by transmitting to him a copy of this letter.

I have the honour to be, my Lord, with the highest veneration for your public conduct on the subject of the transactions at Manchester,

Your Lordship's most obedient

And faithful Servant,

MARTIN STAPYLTON.

To the Right Hon. the Earl Fitzwilliam.

To this letter Lord Fitzwilliam replied with great politeness, but his Lordship declining to have his answer published, it was respectfully returned to him.

OTHER magistrates did not tender their resignation. A piece of plate was voted with an address to the Earl Fitzwilliam at Wakefield!!!

But from the late Walter Fawkes, Esq. who surpassed all the other politicians of Yorkshire in eloquence I received a most kind letter, expressing that if he were a magistrate he would also tender his resignation. His death was a loss to the county; for he united to a

highly cultivated taste a principle of liberality which fostered the arts that he loved, and, to an extensive knowledge of his country's constitution, a principle of freedom which directed his powers to the extension of her liberties.

YORKSHIRE SOCIETY

FOR

DESTITUTE BOYS

ON THEIR

DISCHARGE FROM THE PRISONS IN THE COUNTY.

[Having with the highest gratification inspected the Warwick County Asylum at Stretton, I addressed the Magistrates of Yorkshire with the following Proposal in 1825.]

THE YORKSHIRE SOCIETY FOR DESTITUTE BOYS.

IT is proposed that a Society shall be formed to give a temporary refuge to such unfortunate persons under twenty years of age as may be discharged from prison by the acquittal of the juries, the non-appearance of prosecutors, or the completion of a term of punishment, provided that their conduct in confinement has obtained the approbation of the visiting magistrates, and that their entire destitution of friends and character debars them from the hope of an honest livelihood without such assistance.

The object of the Institution will be to amend their hearts by a course of pious and useful instruction, and to reclaim them from idle and dissolute habits by the invigoration of regular employment in the acquirement of a trade, and in the cultivation of land.

It is suggested, that the authority of the master over the boys should be by a hiring of nine months, which cannot be said to *evade* though it fairly *avoids* the inconvenience of a settlement on the parish, which a hiring of twelve months would incur.

But these and other subjects are deferred till the discussion enters on the details.

By some it is thought the *management* of such Societies should be confined to magistrates; but it appears to me desirable that other able and benevolent persons should be invited to participate, and sufficient control is left with the magistrate by the following

CONSTITUTION OF THE SOCIETY.

It is humbly suggested, that benefactors of fifty pounds and upwards be denominated patrons. That from this class the President and Vice-Presidents be selected.

That a subscription of two guineas per annum, or a benefaction of fifteen guineas constitute a qualification to be elected on the Committee.

That Clergymen of the Church of England will be so qualified by a subscription of one guinea, or a benefaction of ten guineas. That the chairman and visiting magistrates of the three Ridings, and the Lord Mayor of York,

with or without subscription, be considered members of the Committee.

That a subscription of one guinea per annum, or donation of ten guineas, shall entitle the subscribers to vote at all general meetings. That all the acting magistrates of the three Ridings, and the Aldermen of York, and Justices of St. Peter's, with or without subscription, shall be considered as members, and entitled to vote at general meetings.

That there be annual general meetings in the summer assize week, at York, in which all the power of the Society is to be absolutely vested; at which the proceedings of the Committees are to be revised, and may be altered, and new regulations adopted if thought proper.

To the Chairman of the General Sessions.

York, March 23, 1825.

SIR,

I submit the above to the consideration of yourself and the other magistrates of the county.

As I returned this day after eight months' absence from Yorkshire, if it should have been in the contemplation of any other gentleman to propose such a society it is perfectly unknown to me—but I will resign to him my plan.

N

As this letter is my first communication of the proposal, I shall be happy to register the subscriptions of such gentlemen as may intend to subscribe, provided that the development of the plan at a general meeting meets their approbation, and a provisional committee shall then be formed.

The general sessions of magistrates to-morrow precludes procrastination, and will excuse incorrectness from haste.

I have the honour to be, Sir,

Your humble Servant,

MARTIN STAPYLTON.

I beg it to be understood, that when a newspaper is quoted as in the succeeding paragraph, I am not the writer of the statements therein.

From the York Courant.

MAGISTRATES' GENERAL SESSIONS.

At the General Sessions of Magistrates, at the Castle of York, on the 24th inst. it was moved by Sir F. L. Wood, Bart. and seconded, the thanks be given to the Committee appointed to improve the Castle, and a new Committee formed, to report to the General Sessions at the next Assizes. It was moved as an amendment, by Martin Stapylton, Esq. and seconded by the

n. 2

to the Society by Mr. Scamp, a New
market solicitor, which has been made
into music exercises, submitted to
the Society. A plan for a School
for Boys on their Discharge from the Prison
in the County. The design of this institution
is to give a temporary refuge to such imma-
ture persons under twenty years of age, as may
be discharged from prison by the acquittal of
the juries, the non-appearance of prosecution, or
the completion of a term of punishment, provided
that their conduct in confinement has obtained
the entire approbation of the visiting mem-
bers, and that their destitution of friends and
character debars them from the hope of an honest
avivement without such assistance. And its ob-
ject is to amend their hearts by a course of

pious and useful instruction, and to reclaim them from idle and dissolute habits, by the invigoration of regular employment in the acquirement of a trade, and in the cultivation of land.—The plan for the formation of this Society, we are glad to say, met with the approbation of several magistrates of the first consequence of the county; and the Right Hon. the Lord Mayor of York, Wm. Oldfield, Esq. having heard of the plan, sent into the magistrates' room a letter, inclosing the liberal sum of twenty guineas, towards carrying the plan into effect. It is intended, however, at present, to confine attention to the North-Riding, and, in consequence, the liberal donation of the Lord Mayor has been returned, with very polite acknowledgments from Mr. Stapylton, who is now prosecuting his object with unremitting zeal, and has stimulated the co-operation of nobility, clergy, magistrates, and gentry of the North-Riding, by heading the subscription list with the munificent donation, as we have heard, of fifty pounds.

A long series of Publications took place which ended in the following dissolution of the North-Riding Society.

NORTH RIDING SOCIETY

Transferred to a Society for the County of York, for Destitute Boys discharged from Prison.

By the power vested in me by the Provisional Committee, Lord Dundas, Archdeacon Wragham, and myself, I have DISSOLVED the NORTH RIDING SOCIETY ; and, considering a society for the County at large more desirable, I issued on the 14th, at York, the following REQUISITION, to which the Subscribers will be forthwith published ; and it is hoped and expected that the noblemen who sanctioned the subscription for the North Riding, will transfer their subscriptions to this.

Earl FITZWILLIAM.

Earl of TYRCONNEL.

Lord DUNDAS.

Hon. and Rev. T. MONSON.

&c. &c.

(Signed)

M. STAPYLTON.

REQUISITION.

*The County of York Society, for Destitute Boys,
discharged from Prisons in the County.—
APRIL 14, 1825.*

THE undersigned agree to subscribe the sums annexed to their names, for the above Society to be established on the plan proposed by Mr. Stapylton at the general sessions of the county in York, March 24, 1825, subject to such alterations, if any, as may be determined on at a general meeting of the subscribers, to be called by Mr. Stapylton, at Myton, or at York, as may be most expedient.

M. Stapylton £50.

All letters of communication or inquiry, may be addressed to M. Stapylton, Esq. Myton, Boroughbridge.

Immediately the above Requisition was issued, several Subscribers affixed their names to it; among whom was Archdeacon Wrangham, with a donation of ten guineas; and it is expected that a considerable sum, from the noblemen and gentlemen of the county, will be immediately raised.

Copy of a Letter from Mr. Stapylton to Stuart Wortley, Esq. M.P.

Myton Hall, Boroughbridge, April 20th, 1825.

SIR,

If your proposal at the West-Riding Sessions, of a Society for Boys discharged from Prison was merely in consequence of the Resolution of the North-Riding Sessions on the 11th, the writer of the paragraph in the Herald should have more correctly stated that Resolution. But if the proposition *originated* from you, I entreat that you will inform me why no hint of this kind was communicated to me after my candid explanations to your Friends of my *general* intentions. The *specific* publication in the York Herald of Sunday last would have been prevented if the slightest hint had been given to me when I left York on Friday.



I could not, Sir, suppose that you would originate, at the Sessions of the West-Riding a proposal for the whole county by which the plan of a Provincial Committee which was advertised in all the York papers with £1,000. at the disposal of the North-Riding Sessions must be *extinguished* without giving to me some previous information on or before Monday the 11th, more distinctly than that which Colonel Wilson delivered as a message from Mr. Vansittart to the Sessions, that "*Mr. Wortley approved of a County Society—and so did Sir Francis Linley Wood, Mr. Bethell, and even Mr. Headlam himself*" at the General Sessions on the 24th, though the approval of the reverend divine has been since moderated to the offer of his support to a substitute almost as futile as the late obstinate * * * * of that North-Riding chairman to put untried prisoners on the tread-mill.

To Sir Francis Linley Wood and Mr. Bethell, at York, on the 24th, I said, "give me not your approval of a *general* principle, but of a *distinct* plan;" and when Mr. Vansittart called on me on the 4th, in my solitary chair at York representing the Provisional Committee, I specified my intentions as unreservedly as if he had come to support, and not to investigate my undertaking. I beg it to be clearly understood that I mean not the slightest offence to yourself, or to any

individuals whose opinions on the punishment of untried prisoners required the explanation of an Act of Parliament and to whom I attribute the present want of unanimity.

I certainly expected unanimity at the North-Riding Sessions; and I shall be able to prove, that by forbearance after conquest on the subject of untried prisoners, and by the total absence of **ALL PARTY PRINCIPLE** in my introduction of this discussion, I merited that orderly reception which the Rev. J. Headlam and the Rev. W. Dent had sufficient influence to refuse me.

Your note of the 18th is just delivered to me, in which you express, that "*a proposal of that nature is likely to be brought forward at the General Meeting of Magistrates at the Summer Assizes.*" And is it on the ground of that *likelihood* that you "*at present decline* subscribing." Let me, in reliance, on your candour, conjure you to re-consider your determination. I entreat to know who are the persons "*who will bring it forward.*" However high their names, and however sincere their intention, I affirm that the consignment of such intention to the General Sessions is the most complete instance of perfect absurdity that ever frustrated the view of a disinterested proposal.

We have only two days in the year for General Meetings in Sessions, one in each Assize week.

If the County of York, for six successive years, has been stigmatised by the presentment of a Grand Jury for the insufficiency of its jail—if it has only escaped by suspensory pleas that fine, which, independently of such pleas Judge Bailey must in his duty have inflicted upon the county ;—If the Magistrates at the General Sessions on these two days in the year for six years have crept on with a dignity not much superior to the crouching attitude of the malefactor who pleads for time to defer his destiny of punishment ;—If this difficulty has arisen from the very nature of a General Sessions where the three Ridings who knew little of each other's proceedings are compelled to act in concert, will you, Sir, permit an important Charity, which was in absolute efficiency of Northallerton on the 11th of April, to be sacrificed to the mere subterfuge of an appeal to the July Assizes.

Will you not by sanctioning my proposal with a subscription discard this ungenerous trick of party, which it becomes such as you to despise and to controvert.

I am, Sir,

Your very humble servant,

M. STAPYLTON.

To Stuart Wortley, Esq. M. P.,

As the Refuge Society of London was alluded to last week in a paragraph concerning Mr. Wortley's proposal at the West-Riding, Mr. Stapylton begs permission to publish the following, (dated 31st of March,) approval and encouragement from that Society.

REFUGE FOR THE DESTITUTE,
March 31, 1825.

SIR,

I am favoured with a copy of your plan for forming a Society in Yorkshire for the reception and reformation of Destitute Boys discharged from the prisons of that county.

It will afford me much pleasure to give you every information within my reach. I would be allowed also to assure you, *that the Committee of this Institution will be ready to aid your benevolent views as far as they can.*

The bye-laws of the Refuge, with the rules and regulations for the direction of our Superintendent and Masters have never been printed; but I will take an early opportunity of transmitting you an abstract of them.

We have now in the Refuge for the Destitute one hundred and seven males; and considering the narrow space within which our efforts are confined in this vast metropolis, we find them generally tractable and easily restrained. If we had a few acres of land whereon to teach them

husbandry and agricultural skill we should be able to achieve more good.

Sincerely wishing that you may accomplish your object, and again assuring you of my readiness to give you any information that my long experience may have brought me,

I remain, Sir,

Your faithful humble servant,

**ROBERT CROSBY,
CHAPLAIN AND SECRETARY.**

To MARTIN STAPYLTON, Esq.

The Institution alluded to in the Chaplain's
Letter is as follows:

March 1, 1825.

REFUGE FOR THE DESTITUTE,

HACKNEY ROAD AND HOXTON.

INSTITUTED IN THE YEAR 1805.

PRESIDENT,

His Royal Highness the Duke of YORK.

VICE-PRESIDENTS,

His Grace the Duke of Bedford.

The Most Noble Marquis of Hastings.

Right Hon. Field Marshal Earl Harcourt.

Right Hon. Earl of Liverpool.

Right Hon. Earl of Bristol.

Right Hon. Viscount Sidmouth.

Right Hon. and Right Rev. the Bishop of London.

Hon. and Right Rev. the Bishop of Oxford.

Right Hon. Lord Suffield.

Right Hon. Lord Kenyon.

Right Hon. Lord Carrington.

Right Hon. Lord Bexley.

Right Hon. R. Peel.

Sir Thomas Baring, Bart. M. P.

George Holford, Esq. M. P.

Wm. Wilberforce, Esq. M. P.

Edward Protheroe, Esq.

COMMITTEE.

Hon. H. G. Bennett, M.P.	Robert Hichens, Esq.
Rev. J. Abbiss, A.M.	S. Hoare, Jun. Esq.
W. H. Baillie, Esq.	Thomas Jackson, Esq.
Peter Bedford, Esq.	John Jeffery, Esq.
Rev. S. Bennett, D.D.	T. Kingsbury, Esq.
J. E. Bicheno, Esq.	Henry Lee, M.D.
Rev. T. Burnet, B.D.	George Long, Esq.
Rev. John Butt, A.M.	P. Martineau, Jun. Esq.
John Coleby, Esq.	Robert Milligan, Esq.
W. Crawford, Esq.	Henry Newman, Esq.
F. Cresswell, Jun. Esq.	Rev. Daniel Williams.
Henry Entwistle, Esq.	Henry Wilson, Esq.
Lannoy Forbes, Esq.	Rev. S. Wix, A.M. F.R.S.
Thomas F. Forster, Esq.	Wm. Wix, Esq. F.R.S.
George Grey, Jun. Esq.	

THE object of this Institution is to provide a place of *Refuge* and *Reformation* for Persons who have been discharged from *Prisons* or the *Hulks*, for *Unfortunate* or *Deserted Females*, and *others*, who, though willing to work, are unable, from loss of character, to earn an honest maintenance. Within this Asylum they are withdrawn from the paths of temptation and vice; they are taught to renounce their former habits of life; to pursue industrious employments; to form resolutions of penitence and reformation, and to return to society with renewed hearts and amended lives.

During the eighteen years, in which the Refuge has been open to such deplorable objects, the Committee have the satisfaction of announcing to the public, that

means of returning from the ways of vice and misery, to those of virtue and comfort, have been afforded, by the Permanent Establishment, to more than *eighteen hundred* persons, and, by the Temporary Refuge, to more than *one thousand*, who would otherwise, probably, have been left to perish in the depths of crime, want, and despair.

Annual Report for the Year 1825.

THE Committee have continued, since their last Report, to apply the provisions of the Refuge for the Destitute to *Criminal objects*, of the following descriptions, viz.

- I. To persons who have, after conviction, received his Majesty's gracious pardon.
- II. To those, whose sentences have been respited by the judges.
- III. To those who have suffered imprisonment, and can find no shelter at the expiration thereof, unless in the haunts of persons who live by depredation.
- IV. To men discharged from the hulks.
- V. To persons acquitted upon their trial, or against whom no bill of indictment has been found.
- VI. To those who have been recommended by magistrates, in lieu of committing them to prison.
- VII. To young persons who have forfeited their character by dishonest practices, and have become, without being prosecuted, outcasts of society.

Males.

Having received his Majesty's gracious pardon, after conviction	1
Convicted and judgment respited by the judges	16
Having suffered imprisonment, and having no means of obtaining an honest subsistence	33

Recommended by magistrates in lieu of committing him to prison	1
Total since the establishment of the Refuge for the Destitute, of males admitted	605

Fifty-three persons, discharged from prison or the hulks, have received such assistance, in clothing, tools, and money, as to enable them to obtain employment in the metropolis, or to go to distant parts, where they are likely to obtain it. To these no other door, but that of the Refuge, was open, whereby they could be rescued from the ruin which impended them. By its timely intervention they have been raised from the wretchedness of their condition; many of them have obtained decent and respectable situations; while some of them still continue under the protection of the Institution.

The Committee think it right to observe, that of those of either sex, who are received into the Permanent Establishment, none are recommended, either to friends or service, except under very peculiar circumstances, until they have been in the house twelve months. It has been generally found necessary to retain them for a longer period; it being impossible to inure those, who have been accustomed to lead an idle and careless life, to habits of regularity and perseverance in industry, in a shorter period. In the Male Permanent Establishment, it is generally necessary to continue them much longer. Hardly an instance occurs, wherein a lad can be apprenticed out before he has been two years in the Refuge; and, in the cases of persons who are too old to be apprenticed, it is necessary to retain them longer, until they are so far proficient in some trade, as to be able to earn their maintenance in the world.

*Copy of a Letter from Mr. Wilberforce to
Mr. Stapylton, dated Uxbridge Common,
Middlesex, 15th April, 1825.*

SIR,

ALTHOUGH I have no property in the North Riding of Yorkshire, to which you propose to confine the excellent Institution, the forming of which is proposed in a printed letter, which has been forwarded to me at this place, yet, I trust you will excuse my taking the liberty of troubling you with a few lines to assure you, that if you should be disposed to extend your proposed Society to the other Ridings, I shall willingly support it, being convinced that there is scarcely any Society that can claim the support of public benevolence on stronger grounds.

I trust you will excuse the trouble of this letter, and cordially wishing you success in your beneficent undertaking,

I remain, SIR,

Your most obedient humble servant,

W. WILBERFORCE.

To Martin Stapylton, Esq.

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Mr. STAPYLTON has the honour to submit this important letter to the public, and at the same time has with regret to announce that the Right Honourable Lord Milton has declined to transfer his subscription to the Society for the county at large.

Mr. STAPYLTON considers himself called upon by circumstances to solicit an early specification of intended subscriptions for the County Society, or if an opposition society be really intended, an immediate avowal of the names of the persons who will bring it forward.

Myton, April 20, 1825.

Copied from the *Herald*, in which, with various publications, the following was inserted :—

The Yorkshire Society for Destitute Boys.

To His Grace the Archbishop of York, and others, who, in answer to my letters, have done me the honour to express their deficiency of information on the details of my plan of the Yorkshire Society for Destitute Boys discharged from Prisons in this County, I respectfully submit to their consideration, that the details must depend on the amount of money subscribed for its commencement into action.

If £20,000 or £30,000 be subscribed, which is not an unreasonable expectation from so opulent a county, the plan must be widely different

from what would be advisable if it should only produce three or four thousand, under which sum it cannot possibly proceed. But, I presume to assert, that £50,000 will not be too much for the voluntary subscriptions of this county; if, under the care of zealous and experienced magistrates and divines in the Managing Committee, the Institution be adapted, not only to purposes of relief for the repentant criminal, but also to that prevention of crime by which the additional security of personal property will afford to the subscribers an ample remuneration for the expenditure of their benevolence.

The Guildford or Surrey Society is alluded to in the resolution of Col. Wilson, passed at the North Riding Sessions; and the Kent Society was brought into notice at the East Riding Sessions. These Societies, as I am informed, are similar; and, from the Surrey Reports now before me, it appears that its primary object is to correspond with parents and friends of offenders, &c. a purpose so inferior to the absolute substitution of parents and friends by the Yorkshire Society to those entirely destitute of either, that, though excellent as a subordinate addition, I did not even mention it in my plan, but merely intended to introduce it at the general meeting, as appropriate to it under proper restrictions.

The Surrey and Kent Societies are permitted to send their objects to the Refuge in London,

but the distance of Yorkshire from London must preclude an imitation in that respect of the Surrey and Kent Institutions.

Of the Institutions in success at the present moment the mind will naturally recur to the London Refuge as the principal source of instruction to us; but I should hope, that the Yorkshire Refuge will rather exceed than fall short in general utility to its Parent Society; for it is proved by the letter from the chaplain, that the want of land cramps the efforts of that excellent institution. There can be no such want of land in Yorkshire.

There is no wish on my part even to recommend the situation of the premises; but to the justices of the North Riding, prior to the last sessions, I explicitly offered a house on my own estate at Wass lately occupied by one of my relations for the reception house of the objects, and this house RENT FREE for my life, or until better premises can be built or procured, is at the option of the Yorkshire Society.

The only Institution which I have yet had in my power personally to examine is that for the county of Warwick, at Stretton, near Coventry. On my journey from Bath, to attend the General Sessions of Yorkshire, I perused the Sixth Report of the Prison Discipline Society, and from its high recommendation of this Institution at Stretton, I extended my journey to inspect

I believe in all public institutions
better than in any other city according to
fact; and, as the county ~~is~~ follow

the city in doubt upon such a subject, I am disposed to confine the House of Refuge to MALES ONLY at the commencement of the establishment.

I mentioned in my proposal of the 23d of March, to the magistrates, that a hiring of nine months of the boys was preferable to twelve months. This alludes to the hiring of twelve months, by which the boys in the Warwick Asylum are engaged to the master. The London Refuge Report expresses that two years are frequently required for the complete reformation of the object. Let us hope that the Yorkshire criminals have not been quite so deeply initiated in scenes of villainy as in London, and then two separate hirings of nine months may suffice for the reformation of the most *obdurate juvenile offenders*, as in case of either obduracy or extreme youth, the more extended period of restraint by this Institution becomes most requisite.

The Punishments

to the completely incorrigible must be expulsion; but for absence without leave, or general transgression of duty between masters and servants, as provided for by law, commitment to the House of Correction, or penalties of fine

from their share of the earnings of their industry may be inflicted in the usual way by such magistrates as are Members of the Committee.

For venial offences the alteration of diet to food more restricted in its quantity or more coarse in its quality may under proper regulations be left to the discretion of the governor or master. The diet may be reduced to bread and water, or, as a severer penalty, TO BREAD SOAKED IN WATER. Flogging I should wish to be entirely excluded but there are other punishments, such as confinement or hard labour which may be properly resorted to.

Employments.

The Tread-Mill, which I consider an excellent invention for hardened offenders, but from which the legislature has in its wisdom delivered untried prisoners should not even be thought of in a Charity for the Destitute where the governors are to supply the place of fathers to the repentant criminal orphans.

Every boy should be assisted, if it be expedient, to work at his usual occupation; but every one should also learn husbandry by the spade or by the plough. The Warwick Institution from its experience of the spade at present give the preference to the plough; and I know not a more

unexceptionable gift of humanity to the repentant criminal, than after his dull unvarying course of labour at the Tread-Mill to introduce him to the noble pursuits of agriculture, which even in its lowest drudgery affords to the human frame the energy of health, and the happiness of useful employment.

Bookbinding—cutting of wood for firing—and other in-door employments will be beneficial; but I recommend the instruction of the boys, in the art or mystery of shoemaking in preference to that of tailoring; for if we should be insecure in our belief that the boy is reformed, he can earn his livelihood as a shoemaker without that *dangerous ingress* into the houses of the lower ranks of people, which the employment of a tailor would afford to him.

Idleness can never be submitted to as a necessary concomitant of this institution unless its managing Committee should be too dull to discover, and too obstinate to imitate from other establishments the means of healthy and vigorous occupation.

Instruction.

The inmates may rise at 5 in the summer, and at 7 in the winter. They may be instructed in reading, writing, and arithmetic. An hour

every morning and an hour every evening may be devoted to public prayers and exhortations from the chaplain, or to the reading of such tracts applicable to their cases as may be sanctioned by the Society for promoting Christian Knowledge, or by the Metropolitan, if he should condescend to dignify this institution with his patronage, or by any Archdeacon who may at the general meeting be appointed a controlling trustee to regulate the religious instructions of this establishment.

This is the slight and hasty sketch of the detail of my plan. To no part of it do I feel *pertinaciously attached*—I am not desirous *invarily* to adhere in a plan *for the County at large*, to any age—though I told Lord Tyrconnel in my answer to his obliging letter, that for the North-Riding I thought it should not exceed 21 years.

If a general meeting of magistrates be called, this sketch is before them, and it will save them the intrusion of a second personal application from me to my brethren in the commission, and if instead of a meeting of magistrates a meeting of the noblemen, magistrates, clergy and gentry of the county, WHICH I THINK PREFERABLE, be summoned to consider the propriety of such an institution, I will summon my subscribers at the same time and place, and if my subscribers choose, these efforts which I have according to my

strength most laboriously commenced will be most PLEASINGLY TERMINATED, for by such a summons my subscribers can be named in the general meeting of the county if they please. To superintend for years as I had hoped personally the effects of my plan, I feel a want of strength—and as there are many magistrates unquestionably more qualified for the details, this sketch is not meant to forestal their intentions, but merely to prove, that I did not commence without the consciousness of a straight path before me.

On the Objects of the Charity.

If the system of severity be pursued so that the boy walks merely from one prison to another, even such an institution would be a blessing compared to the present state of the county in which the entirely destitute criminal in the progress of his ignominious punishment sees before him at the completion of it no alternative but death by hunger, or a compelled repetition of the iniquities of his life. He stifles all compunctions of remorse;—the exhortations of piety from the chaplain or others in the prison pass by him without effect, for he knows that on his discharge he has no friend to employ him, no relation whose forgiveness might still give him a chance for respectability—the mark of Cain will be

upon him—every human being will be his enemy, and he in return hates that community from which he derives no possible hopes of compassion. The most hostile to him are his former companions, for they indeed may receive him with open arms not to the relief of his necessities, but to the destruction of his soul by hailing him as the all-accomplished villain experienced in suffering, and so well schooled in the arts of knavery, that he can imitate the great prototype of evil, and by his cleverness lead to the paths of death the associates of his juvenile delinquency.

But it is not only for the offender who in the course of his punishment displays by tears of penitence the anguish of *an altered mind*, who intreats but FOR SHELTER and for COARSE FOOD by HIS OWN LABOUR that he may not be compelled in the infirmity of humanity, in the hour of starvation to commit a crime ; it is also for that person whom the grand jury of his country declares to be innocent (and what magistrate after that declaration can affirm that an Englishman is guilty ?)—it is for that youth of perhaps hitherto irreproachable conduct whom a justice might through inadvertence or haste improperly commit, or for that most injured individual charged with crime against whom the accusers dare not come into court to prove that which they ventured before a magistrate to swear, and it is also

for these lesser objects of compassion as in the institutions of the Surrey and Kent such as the giving to released prisoners with frugality means of conveyance to their parishes and friends.—
IT IS FOR ALL THESE OBJECTS that the affluent county of York is earnestly solicited to support a new institution.

If I could hope to remove from any one any unfavourable impression of my pretensions in this solicitation I would do so—but I retire—certainly with little encouragement but with no sensation of despair. The retiredness of my residence and its remoteness, fifteen miles from York, and other deficiencies have retarded my progress.

Pardon may be pleaded for the efforts of an individual unassisted except by a few subscribers, and the confidence placed in me by my late colleagues in the provisional committee. I earnestly entreat that others of more influence will now adopt what I have commenced, and from inadequacy of my ability, am willing either to relinquish or to proceed. That must be immediately determined by my subscribers, and the magistrates and gentry of the county. To their decision I submit. I have only to add, that to THIS MOMENT I AM IGNORANT OF ANY OTHER PROPOSAL, and I shall indulge the expectation that my hopes as a projector will not be discomfitted, and that my conduct as a magistrate in this

exercise of duty may be respectfully and safely consigned to the test of public opinion.

M. STAPYLTON.

Myton, April 27, 1825.

P. S. Since writing the above I have received from my friend the Archdeacon Wrangham a most interesting communication of the success of a similar institution in Edinburgh.

I beg it to be understood that the payment for these advertisements and other expenses to the present date, April 29, will not be charged to the Society. All monies received will be placed to account of trustees in York Banks, or at Morland's and Co. in London.

M. STAPYLTON.

In the second part of this Volume I shall revert to this Society and the reason of its ceasing to give way to the proposal of Mr. Bethell—whose list contained the Archbishop of York, the Duke of Leeds, and other Noblemen, and a subscription of £1300.

**EMANCIPATION
OF
FEMALE NEGROES.**

Bath Anti-Slavery Meeting.

**EMANCIPATION OF FEMALE NEGROES
RECOMMENDED,
ON MOVING THE PETITION FROM BATH.**

[*From the Bath Journal.*]

BATH ANTI-SLAVERY MEETING.

ON Friday a Meeting of the inhabitants of this city took place at the Guildhall, for the purpose of agreeing upon a Petition to be represented to Parliament, for the adoption of such measures as will tend to the melioration of the condition of the slaves in the West India Colonies, and to the ultimate abolition of slavery throughout his Majesty's dominions. At one o'clock, the large room of the Hall was filled to excess. Among the company we observed—

The Lord Bishop of Bath and Wells, the Lord Bishop of Quebec, Rev. Archdeacon Moysey, Rev. Prebendary Dennis, the Mayor of Bath, Rev. Rector of Bath, Gen. Sir William Cockburn, bart., Lieut.-Gen. Sir Wm. Keir Grant, Bart. Sir Alex. Hood, Bart., Sir Orford Gordon,

bart., Hon. Capt. Noel, R. N. Charles Brownlow, esq. M. P. Capt. Saumarez, R. N., Captain Lye, R. N., Rev. W. B. Whitehead, Rev. C. M. Mount, Rev. J. Stephenson, Rev. — M'Neil, Rev. T. Gisborne, Rev. J. Methuen, Rev. J. Davies, Rev. R. Davies, Rev. H. B. W. Hillcoat, Rev. J. P. Maud, Rev. J. Haviland, Rev. H. Molesworth, Rev. W. Marriott, Rev. F. Kilvert, Rev. — Daniel, Rev. J. Dampier, Rev. S. Chudleigh, Rev J. Pears, Dr. Hope, R. N., Dr. Hardy, Martin Stapylton, esq. J. Wiltshire, esq., W. Goodden, esq. P. George, esq., H. Sykes, esq. G. Fitzgerald, esq., J. Hammet, esq., A. Stanby, esq., Jas. Cropper, Esq. (of Liverpool,) &c. &c. &c.

The LORD BISHOP of BATH and WELLS, having taken the Chair, opened the business of the meeting with a most pleasing address in behalf of its objects. He expressed himself particularly gratified at seeing so very numerous and respectable a meeting as were on this interesting occasion assembled; it was a satisfactory proof that the feelings of humanity maintained a just influence over the minds of society, and was an assurance that their unceasing efforts would not be wanted to promulgate every principle that may be adopted to meliorate the condition of the slaves. The arguments, he observed, which have heretofore been advanced, dictated by virtue and truth, aided by the power of the brightest eloquence, have exhausted every topic relative to this important and interesting subject, and it would therefore be idle words to reiterate sentiments

so well published among all those who have considered the subject; but some observation, he said, was due to the occasion, and his Lordship in a concise, yet clear and comprehensive manner, showed how diametrically opposed slavery was to Christianity and to the dictates of humanity,—that though there were no direct expressions in the scriptures against it, and although slavery was in existence at the time of Christ, it was impossible for any person to attentively read a chapter in the book of Revelation, without being convinced that it was directly opposed to the Christian religion; and as that religion sheds its influence over the globe, slavery will vanish, and war and bloodshed be extinct. He then adverted to the nature of emancipation, the judicious manner in which it should be proceeded with, and observed, much as he advocated the utter abolition of slavery, he was well aware it could not be effected immediately; the work must be done with judgment. His opinion was, that care and attention should be paid to the proper education of the negro population; emancipation of the mind must precede that of the body, or more evil than good will be the result; the mind must lead the way. Considerable efforts had already been made towards enlightening the slaves: schools have been formed and are now forming, and the blessings of our Church establishment are fast extending to the

West Indies. He alluded to the opinion generally expressed, that compensation should be made to the colonists, and he felt assured that the British legislature would sanction those means only that would contribute most to the interests of both parties. He then briefly remarked on the cruelties attendant on the slave trade; the taking of the Africans from their native country, severing children from their parents, brother from brother, husband from wife; stowing them like cattle, in a vessel to be conveyed to market, and then, under a torrid zone, goading them to work by the lash of the whip. He was happy to see here the same zeal in opposition to such barbarity as in other places has been displayed, which is honourable to the character of this distinguished city. He should always look back with pleasure to the circumstance of this meeting, for the blessings of rational liberty are the natural birthright of mankind, and should be extended to men of every nation and colour.

The Rev. W. B. WHITEHEAD said, in rising to express any opinion on the subject which they were met to consider, he felt no other reluctance than a consciousness of his inability to do justice to such a cause; and though he felt it his duty to offer some aid, however feeble in its support, yet from his local situation in life, he was necessarily so little informed in the various branches of the enquiry, that it would be presumption in

him to dwell long on it, when so many were assembled of more extensive information, and who were thereby enabled to impress more forcibly on their attention the nature of the subject in all its bearings. He in an energetic manner adverted to the false representations the enemies of emancipation had such frequent recourse to, to lull the public mind, while the system was exercised in its most horrid state; no means of cruelty was left unemployed to add to the cup of bitterness, of which the poor negroes were made to drink deadly draughts. It was not until Mr. Wilberforce, with the powerful co-operation of Mr. Fox, directed public attention to this eternal disgrace to our country, that the horrors of slavery were known to any thing like the magnitude they had attained. As this knowledge has gradually become prevalent, the public feeling of indignation has awakened itself; that same feeling has produced this present meeting; and he hoped that it would get still more generally diffused, for on it were the hopes of the friends of emancipation founded. This expression of public feeling will lead to measures honourable to the country, and will be the only means of guarding the friends of humanity from being deceived by the distorted representations of the advocates of slavery. But there are many non-resident proprietors in this country, who have great property in slaves, to whom the system practised in our

West India Colonies, if impartially considered by them, would be revolting to their feelings; but their fortunes being more or less involved in the ultimate issue of the measures to be pursued, they were certainly justified in expecting some indemnity from the British public. But, said the reverend gentleman, while we tell them this, let us likewise boldly tell them the system is a vile one; let us tell them that nothing can palliate it. In proposing the resolution he had, he could not refrain from congratulating the meeting on the bright prospect before them; the Government participated in the feelings of the country, and he was sure the salutary effect of that feeling abroad was silently working its way. The gospel too was spreading its genial influence, the enlightenment of the mind will follow, and with it the extinction of those disgraceful practices which now tarnish the honour of our country.—The reverend gentleman took a more comprehensive view of the subject than our limited space would allow us to particularize; nor do we, in giving this brief report, attempt to do justice to the eloquence with which his arguments were expressed.

The Reverend T. GISBORNE, in the course of a speech of great length, in which he embodied many excellent observations, recommended the gradual abolition of slavery, the fitting the mind of the negroes for freedom, before it was granted to them. In their present state, inured to the

drudgery and the treatment of brutes, they are unfit for emancipation ; they must be raised to a state of rationality, by being gradually put in possession of an increased share of personal comfort. The negro should first know something of the comforts of a home, for without this, he would have no incitement to industry : and to bring him into this state of civilization and rationality requires time : it must not be done precipitately ; and if religious principles are at the same time inculcated, he will be enabled to support himself in a state of freedom with as much propriety as any other of God's creatures.—The reverend speaker, with much clearness pointed out the superiority of free labour in its productiveness of wealth and happiness over that of the labour of slaves, in which he instanced Hayti, an indisputable proof of this fact. With regard to the security of property, in case of emancipation, there could be no danger of that with prudent measures, and did proprietors know their real interests, they would join hand and heart with the legislature in forwarding measures necessary for emancipation, while, if they oppose the Parliament, and persist in the continuance of the present system, they will lose the sympathy of the British public, who are willing to protect them from the loss consequent on the change. He hoped that the reign of his present Majesty will not transpire without the manumission of every

slave in the British dominions ; that while history records that he reigned over fourteen millions of freemen, it will not add the mournful postscript that he likewise reigned over 800,000 slaves.

Sound arguments in favour of emancipation were likewise advanced by Charles Brownlow, Esq. M. P. for the county of Armagh (who detailed many instances of the most horrible cruelties,) Rev. J. Methuen, Rev. Mr. Davies, and Mr. McNeil, which though they were in a great measure necessarily repetitions of arguments of the preceding speakers, they were delivered by each with so much eloquence, that the attention of the company was riveted throughout; but what we have particular pleasure in recording to the public was the specific proposition for immediate abolition, advanced in the following speech of

MARTIN STAPYLTON, Esq. who expressed his satisfaction in having the honour to be deputed by the committee to present a petition for the consideration of the meeting, *in accordance with the resolutions* which they had so *unanimously* passed. At that late hour, it would, he said, be incompatible with propriety for him to make any lengthened observations on the subjects which had been with such brilliant eloquence enlarged upon by many preceding speakers ; but he thought it of importance, and intreated their indulgence, to bear with his protestation, - that

the temporizing policy which had for so many years retarded the abolition of the slave-trade, should now be discarded from the councils of a great nation. It was owing to this temporizing policy, that Mr. Pitt, (though a friend to the abolition,) in his long administrations, could not effect it; —it was by the contempt of this obstacle, that Mr. Fox, in his short-lived power, as the last act of his political life, gloriously abolished the slave-trade of Great Britain. I cannot expect you to hear me, at this exhausting hour, my Lord Bishop, on so old a subject as that of the Middle Passage; but there is now in this room an officer of the Royal Marines, who came passenger, in 1795, from Sierra Leone in a sloop, the Swallow, commanded by Capt. Rogers; and this Capt. Rogers, at his own table, (where the officer here present was forced to associate with the wretch on his passage,) expressed—not in accents of remorse, but as *mere common conversation*—that in his former capacity as mate to the ship Tartar, he had by order of the captain, who apprehended a scarcity of water, taken from the hold of the ship wherein the slaves were confined from thirty to forty human beings ordering each individual “*to walk the plank.*” The plank extended beyond the side of the ship over the sea, and each individual slave thus suddenly dropt into the ocean! a tremendous record of the

murderer's crime, and a memorial of that temporizing policy which, notwithstanding the publication of this and other atrocious cases has existed for years to the present period. Most of the speakers have alluded to compensation. The whole income that the West India proprietors derive from their estates is estimated to be £2,100,000 per annum; at sixteen years' purchase, this will be £33,600,000; deduct what the estates would produce by public sale to be cultivated by freemen according to law, and the balance to be defrayed by the public will be less than is now foolishly given by protecting duties to uphold and support the slavery of British subjects. When, ten years back, at the most ancient city in England, eminent for its enlightened policy and its general charities, a similar honour to that of to-day was confided to him, in moving a petition to the Prince Regent to rectify the inadvertency of the treaty of Paris, which treaty unfortunately yielded to this temporizing policy, and lost its opportunity for the abolition of slavery, the general voice was then weak compared to that of the present period. The example of York was indeed followed by other cities and places; but the day has now arrived that the nation at large with one voice disclaim the further continuance of colonial slavery, as an outrage on the dignity

and the religion of the country. As it is so late, I shall not now attempt to argue in support of the solemn assertion which I make, that there is no danger or difficulty in the immediate freedom, by Act of Parliament, of all the female population in the West India islands; thus ensuring to the rising generation that they also shall be free, and rendering most perfectly practicable and easy the speedy restoration of their rights to all British subjects of the other sex, whatever may be the tincture of their skin or the ground on which they tread.

Mr. Stapylton was here interrupted by a gentleman who professed himself a West Indian proprietor, and demanded a full explanation of his plan for the freedom of the female negroes. Mr. Stapylton replied, "Do not consider me, Sir, as treating you with any disrespect, but I am sure that the meeting is too exhausted to hear either you or me in long argument; but I am ready to proceed if his lordship in the chair approves."—The Bishop expressed a similar idea of the late hour, and requested Mr. Stapylton to read the petition, which he immediately did. Mr. Stapylton then sat down, and was cheered with great applause.

The resolutions and petitions were agreed to unanimously.—*Bath Journal.*

THE
BYLAND ABBEY ASYLUM,
FOR
DESTITUTE FEMALES.

I shall conclude my present Publication of the first Part of a Volume on these various Subjects with recording the names of those ladies, noblemen, and gentlemen who, at my entreaty, patronized

THE
BYLAND ABBEY ASYLUM,
FOR
DESTITUTE FEMALES.

President, Martin Stapylton, Esq.

Physicians, (gratis) Dr. Wake and Dr. Goldie.

Surgeons (gratis) James Atkinson, Esq. and ——

Apothecary (gratis) Mr. Spenceley, Coxwold.

Solicitors (gratis) Messrs. Thorpe and Gray.

Visitors.

The Archdeacon Wrangham.

Rev. W. H. Dixon, Prebendary of Ripon.

Rev. W. Gray, Blaifferton.

Rev. Edmund Richardson, Myton.

Rev. W. Bulmer, York.

Rev. Thomas Newton, Coxwold.

A subscription of ten guineas or one guinea per annum, entitles a gentleman, and a donation of five guineas or annual subscription of ten and

sixpence entitles a lady, to vote personally or by proxy at all general meetings of subscribers.

The objects of the charity to be admitted by the signature of the President alone, or by the signature of two visitors, countersigned by the President.

The visitors to inspect at all times when they please, the premises of the Institution, to insert their observations in a visiting-book, and to report the state and conduct of the charity to the subscribers at large annually, or as often as they think proper.

The persons admitted to the benefits of this charity must be *particular* objects of compassion from some extraordinary circumstances, by the sudden death or criminality of their parents, or by their own loss of character in consequence of being charged with crime, though they may have been subsequently acquitted at the tribunals of their country.

To a limited number of these objects of a CHRISTIAN'S COMPASSION this Asylum or House of Industry will afford temporary employment and instruction to qualify them for respectable service or other honest means of subsistence.

The first general meeting is to be called within two years from Christmas Day, 1825, or before that time if the President thinks proper.

Subscriptions received by any of the Gentlemen or Lady visitors—and by *M. Stapylton, Esq.* Myton. Letters of inquiry, &c. are requested to be addressed (*post paid*) to the Committee of Correspondence, which meets every MONDAY Morning, at *Eleven o'Clock*, at Myton Hall, near Boroughbridge.

Subscriptions are also received at Messrs. Wilson and Tweedy's, York; at Messrs. Morland and Co.'s, London; and Messrs. Hobhouse and Co.'s, Bath.

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It is impossible as yet to conjecture whether the future resources of this Society will be extensive or not, but every precaution has been taken in its primary organization, not only to give permanency to its usefulness, but also to render it easily diffusive to any probable extent,

as well as *immediately* beneficial to the most forlorn class of female sufferers.

The premises will be rent free, and no charge will be made to the Establishment for buildings or repairs.

All donations, after payment for the necessary furniture at the commencement, will be invested in the names of trustees, and the interest alone made applicable with the annual subscriptions to the current expenses of the House of Industry.

If the expenditure in the first two years should exceed such interest and annual subscription, the balance will be defrayed by the proposer of the Charity, so that at the first General Meeting it will be delivered to the subscribers, free from all debt, leaving it to that Meeting to determine its future course of proceeding unshackled by any other restraint than its own regard for the welfare of the objects of its protection.

M. STAPYLTON.

November 1st. 1825.

ADDITIONAL SUBSCRIBERS.

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NOTICE.

B Y L A N D A S Y L U M ,

Notice is hereby given,

THAT any object recommended to this Charity, by either of his Majesty's Judges of Assize will be immediately admitted, if there be a vacancy.

That a similar power of recommendation be allowed to each of the chairmen of the quarter sessions of the three Ridings, without further reference, if there be a vacancy.

That any of the noblemen or gentlemen, subscribers to this Charity, or any magistrate of the county; whether he subscribe or not, or any chaplain to a jail or house of correction, producing satisfactory proof of the *good conduct* of a female prisoner during her imprisonment, and **HER ENTIRELY DESTITUTE SITUATION ON discharge from Prison**, may obtain for such female prisoner, although she may not be admissible as an inmate of the institution, a small sum for her immediate subsistence to prevent the recurrence of crime from insupportable distress.

(Signed)

MARTIN STAPYLTON,
PRESIDENT.

March 18, 1826.

From the York Papers.

TO SUBSCRIBERS.

BYLAND ASYLUM.

Myton, May 28, 1826.

MY LORDS, LADIES, AND GENTLEMEN,

I HAVE attended three successive quarter-sessions, the Michaelmas, the Christmas, and the Easter sessions of the North Riding, and also the Spring Assizes at York, and have not found any object proper for admission into this Asylum, except a child of seven years old from the house of correction at Northallerton, now by other means provided for.

Several women have received pecuniary relief on discharge from prison; but this is a deviation from the original proposal, and the amount altogether too small to justify the formation of a Society.

I therefore abstain from the power you have given me to call you together, for if I summoned you to view the premises at Myton it would be a *superfluous* encroachment on your time, and it would not be sufficiently *explanatory* if I summoned you to any other place..

The donations amount to £177. 5s. The annual subscriptions to £86. 2s. Total money received £263. 7s. which I most respectfully return without deduction; and any Subscriber, who calls upon me at any time, may view the books of the Establishment.

Of the kindness of my friends and the honour conferred by so many distinguished persons in confiding to me the temporary management of this intended charity, I shall ever retain a pleasing recollection.

I am,

My lords, ladies, and gentlemen,
Your most obliged and faithful servant,

M. STAPYLTON.
PRESIDENT.

Notice.—When I treat of the Yorkshire Refuge, and its late rival Society, this subject will be thoroughly canvassed, unless the indifference of the public to my suggestions should restrain me from any further intrusion as an Author.

THE END OF THE FIRST PART.

LONDON:

JBOTSON AND PALMER, PRINTERS, SAVOY STREET, STRAND.

